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PART ONE

A POLITICAL DREAM AND ITS REALISATION

"We are of different races, not for strife, but to work together for the common welfare."

GEORGES E. CARTIER, 1865.

"There is one thing peculiar about our position. There is no other instance on record of a colony peacefully remodelling its own constitution; such changes have been always the work of the parent state and not of the colonists themselves. Canada is rightly setting the example of a new and better state of things."

GEORGE BROWN, 1864.

CANADIAN FEDERATION

ITS ORIGINS AND ACHIEVEMENT
A STUDY IN NATION BUILDING

BY

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TO

THE MEMORY OF

BERNARD FREEMAN TROTTER

CANADIAN

AND SOLDIER OF THE EMPIRE

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PREFACE

THE story of the movement which created the Canadian Dominion has been told many times and in many connections. Yet the words are still true which the veteran Sir Richard Cartwright spoke in 1906 to the Ottawa Canadian Club. Recounting his "Memories of Confederation," he concluded: "Sir, I doubt very much whether what these men did, the circumstances under which they did it and why they did it, have been altogether fully and properly appreciated." True there are several admirable accounts of the movement, but a wide-reaching search among the manuscript records of the period has convinced the present writer that there is occasion for still another study. Its justification must be the contribution, to a story already generally known in many of its features, of something new and significant, in incident or in point of view.

The present study claims attention on both these grounds. An examination of much manuscript material never previously used has brought into prominence factors hitherto ignored or unduly subordinated. Consequently it has become possible both to amplify certain phases of the story and to view the whole from a revised and broadened angle of vision. The writer has aimed at a comprehensive treatment. He has sought to avoid the limitations of the political chronicle narrowly focussed upon the official scene. He has shunned the tendency of

biography to exaggerate the prominence of a particular hero. In short, the endeavour has been to give non-political factors due weight, and the work of the men involved in the story has been viewed with a persistent effort to eliminate from the narrative all personal or partisan bias.

Of course, to envisage the manifold influences which produced and moulded Canadian federation, and to do this impartially and with true emphasis upon the significant, is a task which one may not hope to attack with complete success, however extensive his preparatory researches. But so dramatic and so fundamentally important was the movement not only in the development of the Canadian Dominion but in the growth of that anomaly of the modern world, the British Commonwealth of democratic nations, that the task is highly inviting. Ample excuse for attempting it is furnished by a serious study of first-hand sources and a conscientious effort to find and to tell the truth. Yet perhaps also the time has come when the venture is further justified by the mere passing of the years. Certainly the sententious Mr. Dooley would approve, for while there is an invidious suggestion there is also a valid one in his aphorism that "Th' further ye get away fr'm anny peeryod th' better ye can write about it. Ye are not subject to interruptions by people that were there."

This work is mainly a narrative, although it treats, incidentally, the new Dominion's political constitution. Primarily it is an account of the circumstances which made federation not only possible, but also timely, necessary, and even, one is tempted to say, inevitable: it displays the influences which brought the issue to the fore and those which finally pushed the developed project to consummation. The nature

of the material has demanded a twofold treatment of the subject. The first section comprises an account of early federation proposals, of the political situation which furnished occasion for the provinces to come together in conference, of the negotiations over the drafting of the scheme, and of the methods by which its formal acceptance by the provinces was at length secured. The second deals more particularly with certain economic phases of the movement and with their political implications.

It has always been recognised that the Dominion Government's assumption of responsibility for the building of the Intercolonial Railway was a *sine qua non* to the entrance of the Maritime Provinces into the union, and rightly so, but the whole truth goes further. The relation of the project and its projectors to the federation movement was complex and rewards careful inspection. Again, it has often been said that the future of the North-West presented only a remote problem to the "Fathers of Confederation." The latter are assumed to have taken for granted that, while of course the problem must be coped with some day, it demanded of them no immediate solution and therefore no very intensive study. But actually much time and thought were devoted to the subject, devoted not only by private citizens, but by political leaders in their official capacity. As a matter of fact the Canadian provincial government quietly gave large attention to the matter for some years before federation. These problems of establishing adequate means of communication among the old provinces, and opening the North-West, prove to have been more closely related to one another than at first appears on the surface. Separately and together they had important bearing upon the evolution of a united

British North America. In the whole field, in fact, the railway promoter and builder were vital figures. They were moulders of empire as truly as those who were by profession political leaders. And they were actively interested, more or less openly as occasion served, in the political as well as in the economic situation. Their influence, direct and indirect, upon the course of public events, deserves marked attention. The phases of the story particularly associated with their activities are given special treatment in the second part of this volume in an attempt to do full justice to these important and neglected aspects of the subject. In a concluding section the main threads of the story are drawn together.

The writer would make acknowledgments to the many whose aid has contributed to the completion of this study. For courtesies shown in connection with the search for material he would thank the staffs of the Harvard College Library, the Toronto Reference Library, the Library of the University of Toronto, the Library of Stanford University, the Library of Parliament, Ottawa, and especially the Dominion Archives, Ottawa. He would gratefully record the co-operation of a number of his advanced students at Stanford University, notably Mr. John P. Pritchett and Mr. Herman H. Chrisman, in checking certain phases of his research. Particularly should be recognised his obligation to Clarance M. Warner, Esq., curator of Canadian history and literature at Harvard University, for facilitating his work by every means at his disposal, and to Professor William Bennett Munro of the same university for valuable counsel at the inception of the study and for later helpful encouragement and advice. To many other friends the writer owes a debt of gratitude for counsel,

criticism, and stimulus in the progress of the work. Finally, he would not forget his indebtedness to Harvard University for the privilege of pursuing his researches for a year as a travelling fellow of that institution.

REGINALD G. TROTTER.

"VALHALLA,"
LAKE CECEBE, ONTARIO,
11*th August*, 1923.

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PART ONE

A POLITICAL DREAM AND ITS REALISATION

CHAPTER I

EARLY DREAMS AND DREAMERS

THE success of the American Revolution, considered in its relation to the wider aspects of history, was hardly more momentous than its failure. The revolting "Patriots" of 1776, thanks to the valorous fight of a determined and ably led minority, the stupidity of a king, and French sea-power, succeeded in depriving Britain of the chief part of her eighteenth-century empire; but they failed to drive her altogether from the North American continent as both the French and the revolting Americans hoped and strove to do. The peace treaty left her in possession of the northland recently won from France, and also of her older holdings that guarded the eastern and northern sea-entrances to that northland, Nova Scotia with its old wide boundaries, Prince Edward Island and Newfoundland, and the territory of the Hudson's Bay Company. Thus while the "Patriots" had secured liberty to try their own republican experiment in separation from the empire, in spite of their efforts an opportunity was still to be found in North America under the British flag for experiment in free colonial self-government, experiment which in due time was to attain high and far-reaching significance. For if the United States has been the inspiring prototype of modern federal republics, it is

equally true that British America, in producing the Dominion of Canada, set the example for the establishment of free national governments in the Britains overseas, and it is further true that she has been the principal exponent of the idea that such governments can maintain their essential autonomy and at the same time retain membership in the larger British commonwealth. From this idea it is but a step, if a long one, to the reconciliation of national autonomy with the necessities of international co-operation and organisation on a larger, even a world-wide scale. Should an internationalist world of the future owe to the constitutional experiments of the modern far-flung British Empire a tithe of the debt that the nationalist world of to-day owes to the older growth of free government in the narrower realm of England, then Canada's share in the shaping of the Britannic commonwealth must be adjudged increasingly significant, and the failure of the American revolutionists which made the Dominion possible will be accounted scarcely less important than their success which ushered in the United States of America.

True it is that the remnants of Britain's North American possessions that remained in her hands after the revolution seemed little worthy of notice compared with the lost provinces. The latter were soon able, by the success of their federal experiment, to stand before the world strong in their union and to attract at least lip service from abroad as the young colossus of the west. A far different picture was presented by the fragmentary and insignificant northern remnants of Britain's empire. Widely separated geographically, these regions seemed even further apart in the character of their peoples and institutions. Scattered in communities strung out

between the Atlantic and the Great Lakes lived a few score thousand French and a few thousand British (the latter, however, soon notably augmented by refugee loyalists from the lost colonies), while the vast north-west was the preserve, so far as the white man was concerned, of a few hundred fur traders. In the next three-quarters of a century the population of the Provinces increased more than twenty-five fold, became, indeed, a little larger than that of the original United States. By the end of that period the several sections had at last developed sufficiently to find additional strength and stimulus to further growth, as the states had done so long before, in a federal union. The tendency of the early days, however, reflecting the practical necessities of the time, was towards devolution rather than amalgamation. In 1784 New Brunswick and Cape Breton Island were separated from Nova Scotia and each given its own government, and in 1791 Upper Canada as an English-speaking province was set apart from Lower Canada which was still chiefly French.

Academic as any discussion of British American union had to be in those early days, the idea was nevertheless occasionally broached. In the very next year after that in which the infant United States won recognition of their independence, a certain Colonel Robert Morse of the Royal Engineers, reporting on the military defences required for Nova Scotia, wrote thus: "In the course of this Report, my mind has been strongly impressed with the idea of uniting these Provinces with Canada, to the advantage of both countries, and that by establishing the same laws, inducing a constant intercourse and mutual interest, a great country may yet be raised up in North America." [1] The colonel's optimism, if

eventually proven to be well founded, was none the less premature in face of the pioneer conditions in the settlements.

Morse was not alone in raising the question of union. Already in the previous year William Smith, a New York loyalist, had urged the establishment of a "General Government for the Colonies." In 1786 he became Chief Justice of Quebec and four years later, when the Constitutional Act of 1791 was under consideration, he again advocated such a step as a means of avoiding, when the new colonies should become prosperous, a repetition of "the late Revolt and Rent." That disaster to the empire he would trace "to a remoter cause, than those to which it is ordinarily ascribed. The Truth is that the Country had outgrown its Government, and wanted the true remedy for more than half a century before the Rupture commenced. . . . To expect wisdom and moderation from near a score of Petty Parliaments, consisting in effect of only one of the three necessary branches of a Parliament, must, after the light brought by experience, appear to have been a very extravagant expectation. . . . an American Assembly, quiet in the weakness of their Infancy, could not but discover in their Elevation to Prosperity, that *themselves* were the substance, and the Governor and Board of Council mere shadows in their political Frame." The additions he proposed to the Constitutional Bill then pending would have provided for a general legislature with an appointed council and an assembly comprising representatives of the several provincial assemblies. The voting in this assembly would have been by provinces. His suggestions were vague, but his purpose was clear, so to strengthen the hands of the recently created Captain-

General and Governor-in-Chief of all the North American Provinces,[3] as better to ensure the preservation of the British connection. Lord Dorchester, the incumbent of the new office, transmitted the proposal of the Chief Justice to the Colonial Secretary, but the latter gave it only perfunctory acknowledgment. "The formation of a general Legislative Government for all the King's Provinces in America," he wrote, "is a point which has been under Consideration, but I think it liable to considerable objection," though he added that he thought the principle of uniting the executive government, already acted upon, was "of material importance to the British Interests in America."[4]

A quarter of a century later, in 1814, establishment of a simple federal system was advocated by another Chief Justice of Quebec, Jonathan Sewell, who was also a son-in-law of this William Smith. He had correspondence on the subject with the Duke of Kent, the father of Queen Victoria, who had served in Canada for several years at an earlier period. The duke acknowledged his communication with real interest, had some suggestions of his own to offer, and expressed his intention of bringing the proposal to the notice of the Colonial Secretary. There, apparently, the matter dropped.[5] In the early twenties, however, the difficulties that had arisen between the two Canadas gave occasion for fuller discussion of union than theretofore. The Union bill introduced into the British Parliament in 1822 referred merely to the Canadas, but those who dreamt of a more comprehensive measure did not let the opportunity pass of bringing forward their ideas. Active in this work were Chief Justice Sewell, the Reverend Doctor John Strachan, and John Beverley

Robinson. The last-named gentleman was in England when the bill was under discussion and pressed for consideration of a wider union, but the British Government did not believe that all the colonies would welcome the proposal. The writings, schemes, and arguments of this group of prominent men, published in a number of pamphlets,[6] could not help arousing a certain amount of discussion, which in the middle twenties occasionally found its way into the provincial newspapers.[7] Another man with a vision of union, a man of a type very different from these three pillars of government by "Family Compact," was Robert Gourlay. That erratic and persecuted reform agitator, who had loved Canada well, but not wisely as such contemporaries as these reckoned wisdom, issued a plan in 1826 from his enforced habitation, the House of Correction, Cold Bath Fields, London, in which he proposed a confederation of all the provinces, "each to be as free within itself as any of the United States and the whole to hold congress at Quebec. Each also to send two members to the British Parliament to speak but not to vote." [8]

In the same year the old attorney-general of Nova Scotia, Richard John Uniacke, submitted a lengthy paper to the Secretary of State for the Colonies, in which he urged the necessity of a union of the provinces,[9] if their absorption by the United States was to be prevented and their preservation as part of the British Empire insured, and proposed in outline a scheme for the federal union of the provinces under the title "The United Provinces of British America," with provision for the remaining territory being received later on the same basis.[10] The Colonial Secretary received the communication courteously,

but its author "was told by His Lordship that as things were then tranquil . . . he would not agitate the question, or bring it before the Cabinet."[11]

When, towards the end of the following decade, the evils of the political situations in the two Canadas had produced rebellions that called forth the investigation and report of Lord Durham, the idea of a union of all the provinces naturally entered into discussion of possible remedies. In the Assembly of Upper Canada a committee on the political state of the province, under the chairmanship of Henry Sherwood, proposed in 1838 either the re-union of the two Canadas or the legislative union of all the British North American provinces, as a device that would remedy existing evils by promoting "the establishment of 'British Ascendancy' without any change in the principles of the existing constitution."[12]

Durham recognised these two possibilities, also that of a federation of all the provinces; indeed on his first arrival he was strongly inclined towards the last plan and he discussed it with deputations from the Maritime Provinces as well as with individuals and public bodies in both the Canadas.[13] But he became convinced that in the disturbed state of feeling existing at the time among the French population of Lower Canada tranquillity could "only be restored by subjecting the Province to the vigorous rule of an English majority; and that the only efficacious government would be that formed by a legislative union," that is by a union in which the separate provincial legislatures would be abolished, and be replaced by one legislature for the whole. He would have preferred such a close union of all the provinces to one including only the two Canadas, but as a proposal for the former would in justice have

to be referred to the Maritime Provinces for deliberation and consent, and the situation in the Canadas would brook of no delay, he fell back upon the idea of a legislative union of merely the Canadas, though he thought provision should be made for the later admission of "any or all of the other North American colonies, on the application of the Legislature" and "with consent of the two Canadas, or their united Legislature," on such terms as might be agreed on between them.[14]

Although in the Act of Union of 1840 a solution for the political difficulties of the Canadas was sought in a legislative union of the two provinces, there were those who still anticipated that some day the way would open, and perhaps necessity call, for a larger union, whether legislative or federal, which should include not only the drainage basin of the St. Lawrence and of the Great Lakes north of the international boundary, but also the little provinces down east and the great West beyond the Lakes, a region as yet largely unknown. Not, however, until many of the actual "Fathers of Confederation" were already prominent in public life did this larger question begin to awaken a wider popular interest or approach the threshold of practical politics.

This first great widening of interest in British North American union came in 1849. It followed closely upon the important changes in colonial status involved in the achievement of responsible government by the several colonies and the concurrent abandonment by England of the old colonial system in matters of trade.[15] Before these changes federation would have been premature. Had the provinces been united in a dominion prior to the firm establishment of their virtual autonomy, the scheme of

union, like the act which united the two Canadas in 1841, must have been chiefly the work of British hands. Fortunately for the autonomous principle, which seems to flourish most surely where the forms of its application have been worked out under intelligent self-determination, the larger organisation did not come until brought about at the instance of the colonial governments themselves and along lines mapped out in detail by their members, men already trained in the exacting school of practical politics in a self-governing colony. It is not surprising that for a decade and a half these men were so engrossed with the problems connected with working the new responsible government that for the most part they refused to recognise a pressing issue in the question of a larger organisation. When the subject finally became of vital interest it was not merely because of increased academic discussion of the advantages of union, but was chiefly the result of critical developments in provincial politics and of the fact that during the middle years of the century various other influences, economic, imperial, and international, were operating strongly to break down old barriers and promote the consolidation of British North American interests. But the growth of the idea itself is an essential part of the story, and therefore before considering the forces which finally brought the diverse provincial interests to the fusing point in 1864 and made federation an actuality in 1867, it will be well to outline the history of the discussion and advocacy of intercolonial union during the decade and a half preceding the rise of the curtain upon the actual drama of its achievement.

NOTES TO CHAPTER I

P. 5, *n.* 1. "Report on Nova Scotia, 1784," in Canadian Archives, *Report*, 1884, Appendix C.

P. 6, *n.* 2. Letter to Lord Dorchester enclosing his proposed additions to the new Canada Bill, in Shortt and Doughty, *Documents*, 2nd edition, pp. 1018*ff.* Regarding this and other early proposals see also Canadian Archives, *Report*, 1890, pp. xxiii*f.* and Note B.

P. 7, *n.* 3. As to the creation of this office see Shortt and Doughty, *op. cit.*, p. 810 and note.

P. 7, *n.* 4. Grenville to Dorchester, 5th June, 1790, in *ibid.*, p. 1027.

P. 7, *n.* 5. In 1838 Sewell, still Chief Justice, showed the duke's letter to Durham, who embodied it in his *Report*. See Sir C. P. Lucas' edition, vol. ii. pp. 320*f.*

P. 8, *n.* 6. See the *Life of Sir John Beverley Robinson*, by his son, Major-General C. W. Robinson, pp. 152*ff.*, 161*ff.*

P. 8, *n.* 7. *Year-Book and Almanac of British North America for* 1868, p. 14.

P. 8, *n.* 8. Canadian Archives, *Series Q*, 343, part i. pp. 125*ff.*

P. 8, *n.* 9. Except Newfoundland, whose admission, he thought, had better be deferred until the province had full representative institutions.

P. 8, *n.* 10. "Observations on the British Colonies in North America with a Proposal for the Confederation of the Whole under One Government," enclosed in R. J. Uniacke to Earl Bathurst, London, 11th April, 1826, Canadian Archives, *C.O.* 217, vol. 146, pp. 332*ff.*

P. 9, *n.* 11. Sir Colin Campbell to the Earl of Durham, Halifax, 4th September, 1838, Canadian Archives, *Durham Papers*. Sir Colin also informs Durham that James Boyle Uniacke, a son of the old Attorney-General, and one of the Nova Scotian delegation being sent to confer with Durham, is taking a copy of his father's paper with him, at Sir Colin's request, in case Durham "should wish to peruse it."

P. 9, *n.* 12. Canadian Archives, *Report*, 1890, p. xxiv. Data are there also given on several early incidents in the development of the union idea.

P. 9, *n.* 13. In the *Durham Papers*, at the Canadian Archives, there is some correspondence of 1838 on this point. See especially: Sir John Harvey to Durham, No. 7, 16th August; Sir Colin Campbell to Durham, Private, 4th September; Campbell to Couper, 10th October; Durham to Sir George Arthur, Confidential, 16th September; Durham to J. B. Robinson, 16th September; Durham to Arthur, 9th October. See also, in the *Delancey-Robinson Collection*, volume of "Harvey Miscellaneous Correspondence," a confidential paper in Durham's hand, embodying his ideas on the form advisable for a federal union of the Provinces, with marginal annotations by Harvey, in whose hands Durham placed it at Quebec, 3rd July, 1838.

P. 10, *n.* 14. Durham's *Report*, edited by Lucas, vol. ii. pp. 304*ff.* *Cf.* Lucas' discussion of the topic in his introduction, vol. i. pp. 247*ff.*, and Charles Buller's in his sketch of Durham's mission, *ibid.*, vol. iii. pp. 362*ff.* See also S. J. Reid's *Durham*, vol. ii. pp. 330*ff.*

P. 10, *n.* 15. Galt, *Canada*, 1849–1859, p. 6; Sir Charles Tupper, *Recollections*, p. 21.

CHAPTER II

SEEKING AN ANTIDOTE FOR ANNEXATION

In the late 'forties the Province of Canada was boiling with unrest, from causes both political and economic. The Conservative party, overwhelmed at the polls by the Reformers, saw the governor ask the leader of the victors to form a ministry. Here was acceptance of the debated principle of responsible government in circumstances most hateful to the Tories. So long had they preened themselves on being the sole loyal element in the community that they could hardly bear to see government and patronage pass now into the hands of their enemies. That this should come about with the ready acquiescence of Britain's representative strained a loyalty to the British connection even so steadfast as this party boasted, and the strain was seriously increased when Lord Elgin, acting according to his lights as a constitutional governor, signed the Rebellion Losses Bill passed by the new government, which provided for the indemnification of Lower Canadian sufferers from the Rebellion of 1837–38. Another and perhaps more critical factor in the unrest was the economic depression under which the country was suffering as a result of Britain's changed fiscal policy. A costly canal system had been built up and the Canadian milling industry had been largely increased on the basis of the St. Lawrence trade in American grain, a trade fostered by a British preference. When Britain abandoned her preferential policy towards the colonies this

recent artificial expansion collapsed. The resulting depression of trade, when to it was added resentment at the Liberal victory and at Elgin's failure to stand by the Tory party, proved to be too much, temporarily, for some persons' loyalty.[1]

Spite at the Governor-General's endorsement of the Rebellion Losses Bill showed itself at Montreal in mob violence, in the midst of which the parliament building was burned; but that story need not be told here. More important for its bearing on the development of sentiment in favour of federation was an agitation which arose among the malcontents for annexation to the United States Much of the talk was probably intended merely to force the recall of Elgin or compel Britain to restore protection to colonial commerce. However true this supposition may be, it is indubitable that the annexation propaganda was weakening the already disorganised Conservative party and playing into the hands of the Reform government, strong for the time being in its alliance of the Liberals of both Upper and Lower Canada. The Tory party must be saved. An effort to salvage as much of it as possible gave birth now to the British American League.[2]

Montreal, the hotbed of annexation sentiment, soon became also the centre of the League's activities. A convention was summoned to consider the commercial crisis and discuss the seeking of remedies in constitutional changes. The published address of summons spoke out uncompromisingly for maintenance of the British connection, but many members of the League, particularly in Montreal, openly favoured annexation. The election of convention delegates, however, showed a decided majority for the British connection, even from that city. The

convention met at Kingston, 26th July, 1849. Although the chief bond of union among its diverse elements was merely opposition to the Reform administration,[3] yet this gathering of the League had a steadying influence upon the moderate section of the Conservative party.

The convention is best remembered for the resolution, to which it agreed unanimously, in favour of a union of the British North American colonies. This proposal was so generally approved by those assembled chiefly because it offered a means of escape from dreaded evils. To the loyalists it seemed a way of avoiding separation from the empire. To the Orange members with their anti-Catholic sentiments, its greatest recommendation was the promise which it held of freeing the country from the "dangers" of French domination.[4] The convention appointed a Committee of Conference to negotiate with representative persons in the Maritime Provinces on the matter of a federal union.

A report of progress from this committee was heard at a second convention of the League, which met at Toronto 2nd November of the same year. It appeared that the negotiations had not gone altogether smoothly; ". . . there being," ran the report, "no associations, known to your committee, organised in Nova Scotia, Prince Edward's Island and Newfoundland, a communication was made to 'prominent and influential' parties in Halifax, requesting them to co-operate with your Committee by disseminating, through Nova Scotia, Prince Edward's Island and Newfoundland, the printed proceedings of the Convention, accompanied by circulars, written for the purpose of inviting the action of those provinces on a proposition for the union of all the

colonies." The committee had communicated similarly with the "Colonial Association of New Brunswick," which had responded by appointing two representatives to the conference. These gentlemen were authorised, however, merely to ascertain the views of the British American League and report thereon. In the debate on the report the committee was defended by one of its members as having done all that circumstances allowed, for the New Brunswick delegates had no powers save to confer and report, and friends approached in Nova Scotia had not co-operated as requested, "and he doubted much if the Nova Scotians cared anything about the matter." "The gentlemen from New Brunswick had told him that the Lower Provinces were looking to the Convention to lead them in the matter, and expecting the League to devise a plan for the Union of the Provinces."

The attitude at this time of Nova Scotia's great Liberal leader, Joseph Howe, towards the union idea is clearly voiced in a letter of 8th May, 1849, to the President of the League. He wrote: "Suppose tomorrow propositions were submitted to the Lower Colonies for a legislative union or a general confederation. If made by the Government and Parliament of Canada, they would be treated with deference and respect. If made by a party in opposition, they would not for a moment be entertained." He accused the League of being implicated in the burning of the parliament building at Montreal on 25th April. Concerning the general subject of union he said: "We desire free trade among all the Provinces, under one national flag, with one coin, one measure, one tariff, one Post Office. We feel that the courts, the press, the educational institutions of North America, would

be elevated by union; that intercommunication by railroads, telegraphs and steamboats would be promoted, and that, if such a combination of interests were achieved wisely and with proper guards, the foundations of a great nation, in friendly connection with the mother country, would be laid on an indestructible basis." [6] But then, as later, Howe was not optimistic about these "proper guards." [7]

The maintenance of the British connection was strongly urged in the convention, and it was asserted that this connection could only be preserved by a union of the Provinces.[8] The strong anti-annexation sentiment of the gathering was embodied in the following resolution: "That, whether protection or reciprocity shall be conceded or withheld, it is essential to the welfare of this colony and its future good government, that a constitution should be framed in unison with the wishes of the people, and suited to the growing importance and intelligence of the country, and that such constitution should embrace a union of the British American provinces, on mutually advantageous terms, with the concession from the mother country of enlarged powers of self-government." [9]

Just before this second convention of the League met, the annexation propaganda had given birth at Montreal to the famous Annexation Manifesto, the list of signers containing among other names prominent in Canadian history that of a future prime minister of the Dominion.[10] It may be noted that a much more famous premier of the Dominion, John A. Macdonald, though urged to sign the document, refused. He was always a firm supporter of the British connection, and at this time was prominent in the British American League. Another consistent

Britisher who opposed the annexation proposal was George Brown, who, at a later time, although Macdonald's bitter political opponent, was to unite with him in order to bring about federation. Brown's paper, the Toronto *Globe*, has been given chief credit for preventing at this critical time the spread of annexation sentiment in Upper Canada, especially among the Reformers, with whom the paper had great influence.[11] Georges E. Cartier, later the French confederation chieftain in Lower Canada, was also against the movement; indeed he was one of the signers of a protest drawn up against the manifesto in October by Liberal members of the Legislature in and around Montreal.[12]

In advocating annexation the manifesto dismissed the project of a federal union, declaring that it was no remedy for the ills of the country.[13] The League convention at Toronto, as we have seen, took issue with this position. Its advocacy of union, nevertheless, came to naught.[14] The end of its activity was marked by a manifesto issued by the central committee in May 1850, in which its members were called upon to petition the Governor-General and both Houses of Parliament in favour of a federal union. Neither the Government nor the Legislature paid any attention. By the end of the year the League had practically disappeared, absorbed in the Conservative party.[15] In the legislative assembly in 1851 a motion by William Hamilton Merritt of Welland Canal fame for an address requesting that a conference be summoned to consider a federal union obtained the support of only seven members.[16]

The country was not yet ready to consider federation on its own merits. This movement in its favour, called forth as an alternative to annexation to the

United States—without which, it was thought, closer commercial relations were not possible—died down with the decrease in the agitation for annexation. The leading annexationists had maintained that England would not oppose their movement, and accordingly it was hard hit when the British Government made known its strong opposition to secession.[17] Moreover, the repeal of the navigation laws lowered freights by making American shipping available for the carriage of colonial produce to the United Kingdom and thus contributed somewhat to ease the economic situation.[18] The increasing prosperity in England after the repeal of the corn laws also made British capital available in large amount for Canadian development.[19] Returning prosperity exploded the theory that the economic welfare of the country necessitated separation from England. Five years of negotiations resulted in the reciprocity treaty of 1854 with the United States. The operation of the treaty convinced many people that the advantages of close economic relations with the American republic might be enjoyed without jeopardising the British connection.

Reciprocity, however, was frowned upon in some quarters as too much akin to annexationism. Dire prophecies were uttered while the reciprocity treaty was in the making. An interesting example is found in a book which issued from the London press in 1853 with the wilderness title: *Pine Forests and Hackmatack Clearings; or Travel, Life and Adventure in the British North American Provinces.* The author was a Lieutenant-Colonel Sleigh, "late of Her Majesty's 77th Regiment," but his interests were wider than one would suppose either from his own title or that of his book. A military residence of some

years in the provinces had acquainted him with government circles, and he had also become variously involved in business ventures. He purchased a Prince Edward's Island proprietorship, and in 1852 he experimentally placed an eleven-hundred-ton steamer on the St. Lawrence route between New York and Quebec, with calls at Halifax, Charlottetown, and Miramichi. Several chapters of his book are taken up with a discussion of the political future of British America. He urges most strongly that it should not be allowed to drift away from British allegiance. He believes the reciprocity agitation augurs a crisis when the question of "adherence or separation" will be agitated. "Reciprocists and Annexationists" he stigmatises as traitors who "must declare themselves Republicans." For cementing the British connection he supports Durham's contention that there must be raised up "for the North American colonist some nationality of his own," which will relieve the colonists from "the degrading position of 'inferiority to their neighbours.'"

Thereupon, he sketches a union of the provinces. Among the conditions which he thinks necessary are the establishment of British North America as a viceroyalty of the British crown, with a member of the royal family as viceroy, the creation of "a titled class, not however hereditary," a House of Peers, to include also bishops of the Church of England and the Roman Catholic prelates, and an elected House of Commons. He would abolish the existing provincial legislatures, thus creating a legislative in preference to a federal union, but would retain the several executive councils for the handling of "questions of no national importance." He would have a standing frontier army of regulars, supplemented by

volunteers, officered by Canadians or retired British officers. Lastly, "the Judges should be placed on an equal footing with the Judges of Great Britain, with a Chancellor in the House of Peers." By such measures he is confident that there may be secured to the people of British North America "a Nationality with a centralization of power, and a permanent connection with the Mother-country." Immigration will increase tenfold and "Canada will secure that which is precious and valuable—a virtuous and industrious community."

These views, he assures the reader, "are not the result of a hasty conclusion, but the embodiment of sentiments which, during two periods of residence in British North America, we have often publicly expressed, and of which we have received from the most eminent men in those Provinces the most cordial approval." [20]

NOTES TO CHAPTER II

P. 14, *n.* 1. An Imperial Act of 1843 permitted American wheat, ground in Canada, to be shipped to England as colonial. It was an impetus to canal building. See Galt, *Canada*, 1849–1859, p. 22. The dissatisfaction and its causes are discussed in Elgin's *Letters and Journals*, edited by Walrond, pp. 59*ff.* On the Rebellion Losses Bill and the annexation movement see *ibid.*, pp. 71*ff.*, 99*ff.*

P. 14, *n.* 2. Allin and Jones, *Annexation, Preferential Trade, and Reciprocity*, pp. 53*ff.* The account of the League in *ibid.* is considerably supplemented in Allin, "The British North American League, 1849," *Ontario Historical Society Papers and Records*, vol. xiii. pp. 74*ff.*

The League's attitude towards Elgin is shown in a resolution adopted unanimously at its second convention, Toronto, 7th November, 1849: "That it be resolved, That the continued presence of Lord Elgin, as Governor General of Canada, is injurious to the interests of the people of this province, and calculated to undermine the loyalty of Her Majesty's subjects."—*Minutes and Proceedings of the Second Convention of the British American League.*

P. 15, *n.* 3. Allin and Jones, *op. cit.*, p. 61.

P. 15, *n.* 4. *Ibid.*, pp. 63*ff.* The Montreal *Gazette* declared: "A union

of the provinces would give the colonists practical independence, so much desired, and remove the idea of annexation now existing among many influential persons."—Quoted in *ibid.*, p. 80.

P. 16, *n.* 5. *Proceedings*, pp. 7*f.*, xxii.

P. 17, *n.* 6. Howe to Hon. George Moffat, in Chisholm, *Speeches and Public Letters of Joseph Howe*, vol. ii. p. 25.

P. 17, *n.* 7. *Cf.* Longley, *Howe*, p. 175.

P. 17, *n.* 8. *Proceedings*, pp. xxiii*ff.*

P. 17, *n.* 9. *Ibid.*, p. 12.

P. 17, *n.* 10. Sir John Abbott. In a speech in the Dominion Senate, 15th March, 1889, he defended the loyalty of the signers, saying that they signed it in an outburst of petulance, and except for a few American signers, "there was not a man who signed that Manifesto who had any more serious idea of seeking annexation than a petulant child who strikes his nurse has of deliberately murdering her." They were exasperated by the Governor-General signing the Rebellion Losses Bill. "The people were excited, and did many things that they ought not to have done . . . and within two or three days, while still under the influence of this excitement, a number of them signed this paper."—Quoted from Senate *Debates* in Pope's *Memoirs of Sir John A. Macdonald*, vol. i. p. 70. It is a commentary on the fallibility of human memory that the "two or three days" were in reality five or six months. The Rebellion Losses Bill was assented to 25th April, 1849, and the Parliament Buildings were burned that night; the Annexation Manifesto was not published until October.

P. 18, *n.* 11. Allin and Jones, *op. cit.*, p. 89.

P. 18, *n.* 12. Weir, *Sixty Years in Canada*, p. 91. The author devotes considerable space to the annexation and counter-annexation agitations, pp. 41*ff.*, 80*ff.*; also to the B. A. League, pp. 33*ff.*

P. 18, *n.* 13. *Ibid.*, p. 109. The whole manifesto is reproduced, pp. 106*ff.* It is also given, along with some explanatory letters of Lord Elgin, in Egerton and Grant, *Canadian Constitutional Development*, pp. 335*ff.*

P. 18, *n.* 14. *Proceedings*, p. 11.

P. 18, *n.* 15. Allin, "The Genesis of the Confederation of Canada," *Annual Report of the American Historical Association*, 1911, vol. i. pp. 241*ff.* The article is a recital of the B. A. League's movement for federation. It supplements with footnotes to newspapers of the day the story as derived from the *Proceedings* of the two conventions.

P. 18, *n.* 16. The vote was fifty-one to seven. Canada, *Journals of the Legislative Assembly*, vol. x. p. 202.

P. 19, *n.* 17. Allin and Jones, *op. cit.*, p. 268. Elgin felt that disloyal suggestions of annexation, caused by motives of self-interest, were neutralised by "a political sentiment, a feeling of gratitude for what has been done and suffered this year in the cause of Canadian self-government."—*Letters and Journals*, pp. 105*f.*

P. 19, *n.* 18. June 1849. The measure increased the profits of the Canadian trade in wheat and timber.—Elgin's *Letters and Journals*, pp. 106*f.*

P. 19, *n.* 19. See Shortt, "Railroad Construction and National Prosperity: an Historic Parallel," *Trans. Roy. Soc. Can.*, 3rd Ser., vol. viii. pp. 295*ff.*

P. 21, *n.* 20. Sleigh, *Pine Forests and Hackmatack Clearings*, pp. 337*ff.*

CHAPTER III

PROGRAMMES AND PARTIES

A NOTABLE discussion of British American federation, the first of any importance in a colonial legislature, took place in the Nova Scotia Assembly in 1854, upon a motion made by J. W. Johnstone, leader of the Conservative opposition. Sixteen years earlier, though in a less formal way, there had been some discussion of the idea in the legislature at Halifax. Johnstone, home from conferring with Lord Durham at Quebec, had then spoken in the Legislative Council advocating union. Joseph Howe, in the Lower House, had voiced "fears that while in principle Confederation might be sound, yet in practice the small Provinces by the sea would likely suffer injustice at the hands of the two larger Provinces." In this later revival of the topic Johnstone made a formal motion: "Resolved,—That the union or confederation of the British Provinces on just principles, while calculated to perpetuate their connection with the parent State, will promote their advancement and prosperity, increase their strength and influence, and elevate their position." The resolution went on to authorise the Governor of Nova Scotia to enter into communication with the governments of the other provinces and with the Imperial Government respecting the proposal, "which, if matured on principles satisfactory to the several Provinces, was calculated to secure their harmony and bring into action their

consolidated strength, and must result in lasting benefit of incalculable value."[1]

In the discussion of his resolution Johnstone maintained that the colonies had now advanced to a stage where they could and should graduate from their existing condition. He dwelt forcibly on the benefits union would yield and the evils it would avert. He referred to the scheme adopted by the British American League at its second convention. As to the mode of union which would be preferable, he thought that it was "hardly the question for present deliberation," but he would not withhold his "strong conviction that a Legislative Union would best promote the common interests and the objects to be attained."

On the following evening Joseph Howe, at this time real though not nominal leader of the government, discussed the motion in one of his most notable speeches, an address afterwards widely circulated in pamphlet form. Rather than show hospitality towards the proposal of his opponent he devoted himself to the discussion of a larger problem, which had for him, indeed, a stronger appeal, the organisation of the empire, the relation of the provinces to the motherland rather than to one another. "The union of the colonies," he said, "is the object of the resolution, but in my judgment such a proposition covers but a limited portion of ground which the agitation of that subject opens up." Strongly in favour of a continuance of British connection, he dismissed the idea of accepting the alleged solution of the country's difficulties offered by annexation to the United States. He believed union of the provinces impossible until they were more closely connected physically. "Overspread the colonies with railways," he said, ". . . the people of British America will then be united, and

will soon assert the position which they will feel their capacity to maintain." In his opinion "a union of the Provinces . . . if unaccompanied with other provisions, would lead to separation!" He insisted that what was required was union with the empire, representation in the Parliament of Britain. Both Johnstone and Howe had even at this time no idea of accomplishing more than arousing interest and stimulating discussion; at least so Howe wrote to Francis Hincks. He said he thought this object had been attained, and added: "It would have been premature for Nova Scotia to have come to any direct action upon this question until the subject had been agitated far and wide." [2]

Another Nova Scotian shortly took up the subject in the press and pamphleteered for union, Peter S. Hamilton, the forceful editor of *The Acadian Recorder* at Halifax. In 1855 he published a pamphlet preaching the advantages of legislative union and advocating it as a stepping-stone towards entrance into a confederation of the British Empire.[3] The next year he followed with a second pamphlet, emphasising the idea that the colonies of British North America had now reached a stage where they could and should enter upon a national life and thus attain to the position they were entitled to not only in the empire but also in the world at large.[4]

In 1857 the legislative resolution of three years earlier bore some slight fruit in actual negotiation. Johnstone, then premier, and A. G. Archibald were in England on business for the provincial government, and according to their instructions brought the subject of federation before the Secretary of State for the Colonies. Labouchere, who held that office, informed the delegates, however, that his government

would not feel warranted in dealing with the question in the absence of a united request from the colonies, but he added that, should such a request be forthcoming, they would not oppose union.[5]

While the idea of federation was thus stirring among the leaders down by the sea and even being brought by them to the attention of Downing Street, along the St. Lawrence it was winning increased attention. In the great valley and by the Great Lakes, indeed, peculiar local circumstances were producing a situation wherein some change would be imperative.

Constitutional difficulties of growing seriousness beset politics in the Province of Canada. Under the Act of Union of 1840 the two sections had equal representation in the Legislative Assembly. The object of this arrangement had been to prevent a Lower Canadian French majority tyrannising over an Upper Canadian English minority. About 1850, however, the balance of population turned in favour of Upper Canada and thereafter steadily increased.[6] To prevent the will of either section being imposed upon the other, a device known as the double majority was for a time partially accepted, according to which a government must have the support of a majority of the members of the Assembly from each section of the Province. But even though it was also understood that measures affecting either section must have the support of its representatives, this arrangement was not satisfactory. An agitation grew in Upper Canada for representation by population, or, as it was popularly called, "Rep. by Pop."[7] Its most vehement advocate was George Brown, the virulent Scotch editor of the Toronto *Globe*, and eloquent prophet of the "Clear Grits." He based the demand upon Upper Canada's greater population

and greater contribution to the provincial revenue. And it was not merely his own radical followers who believed the terms of the existing union unjust to Canada West. As early as September 1855, John Ross, Conservative speaker of the Legislative Council, wrote John A. Macdonald: "There is nothing that will so surely break down the Union as the leeching process going on towards Upper Canada. If they will insist on throwing away from year to year sums of money which bring us no return and are productive of no real good to the country, the Union cannot be preserved." [8] Upper Canada became gradually more and more of a unit on the issue until finally it became the dominant question in Canadian politics.[9]

In the search for a way out of the difficulty increasing attention was given to the subject of federation. For example, Henry Sherwood, who in the crisis of 1838 had been chairman of the Upper Canadian legislative committee on the political situation, a committee which had then suggested British North American union, published a pamphlet in 1851 in which he gave a draft constitution for a federation of all the Provinces.[10] A. A. Dorion, who in 1865 was to lead the French-Canadian element of the opposition against a general federation, spoke in the House in 1856 suggesting a federal government for the two Canadas as a possible means of deliverance from the inconveniences arising from their legislative union.[11] In July of the following year, J. C. Taché of Quebec began a notable series of articles in *Le Courrier du Canada* in advocacy of federation.[12] After discussing the resources of the several Provinces, and their geographical, political, racial, and other conditions, he proposed a scheme of federal government based avowedly on a mixture of the British and

American constitutions, really in larger part upon the latter. In such ways the public was being familiarised with the federation idea.

In the summer of 1858 in the Canadian Legislature the subject in one form or another received more attention than ever before. The short-lived Brown-Dorion administration, which took office 1st August, was formed on the understanding that either a federation of the Canadas or representation by population would be adopted as a government policy. This ministry, however, held office only three days and so never formulated its programme. It is doubtful whether with longer life it could have settled upon a platform acceptable to both its leaders. Dorion apparently believed the only cure lay in federating the two Canadas, while Brown preferred the existing union under one legislature, but with representation according to population, and believed that federation, when it should come, must include all British America. "*We* will be past caring for politics," he had written in January 1858, "when that measure is finally achieved." [13]

The credit for securing the adoption of the idea of federation by one of the great political parties as a definite feature of its platform is due to Alexander Tilloch Galt,[14] member for Sherbrooke, in the English-speaking Eastern Townships of Lower Canada. He was the son of John Galt, well known for his novels and his connection with the Canada Company, and had grown up in an atmosphere calculated to give him a forward outlook and a broad vision of Canadian possibilities, both economic and political. His career was consistent chiefly in being marked throughout by a keen sensitiveness to current possibilities and tendencies, and so he has been called the chameleon

of Canadian politics. In the present instance, however, his action was not a reflection of popular tendency so much as it was the result of his unusually keen sense of the difficulties in the existing situation and the possibilities which the future held. On 6th July, 1858, he delivered a strong speech in the Canadian Parliament in which he advocated a federal union of British North America. Without such a union, he said, the Provinces would drift into the United States. In a few weeks, 6th August, he entered the newly-formed Cartier-Macdonald ministry on condition that it support federation.[15] Cartier, probably through Galt's persuasion, now became a convert to the idea. As he explained later, he had hitherto opposed representation by population because of the belief that Upper Canada's territorial ascendency would engender strife even without the Upper Canadian majority tyrannising over Lower Canada. In 1858 he first saw that "Rep. by Pop." "would not involve the same objection if other partners were drawn in by a federation." He wished justice for Upper Canada but without injustice to Lower. A general federation would bring this. In the programme announced on 7th August, an important item was the following statement: "The expediency of a federal union of the British North American provinces will be anxiously considered, and communications with the Home Government and the Lower Provinces entered into forthwith on this subject." The Governor-General's speech proroguing Parliament contained word that the government proposed to communicate during the recess with the British and provincial governments with a view to inviting them to discuss principles on which a federation of British North America might be practicable.[16]

Cartier, Galt, and John Ross went to England and urged the Home Government to issue instructions for the appointment of delegates from each province to discuss the subject. They argued both the constitutional difficulties of Canada and the desirability of removing the danger of absorption by the United States. They presented confidentially a scheme of federation, the handiwork of Galt, similar in outline to that finally adopted. Of the four eastern provinces Newfoundland was the only one whose government responded to the query of the imperial authorities with an expression of readiness to name delegates. The other provinces, though not opposed, hesitated to join in as the question had not been brought conspicuously before their people. Downing Street was indifferent if not hostile, and Lytton, the Colonial Secretary, was apparently only dissuaded by Galt from expressing formal disapproval. Galt frankly told him that it might cause "dangerous complication" if the discussion of federation, which was bound to take place anyway in the colonies, should do so "in the face of an adverse decision from the Home Government." "My deliberate opinion," he wrote, "is that the question is simply one of Confederation with each other or of ultimate absorption in the United States, and every difficulty placed in the way of the former is an argument in favour of those who desire the latter."[17] But British officialdom was not yet wholly alive to the North American situation, and the secretary would not authorise the meeting. "We think," he wrote to the governor, Sir Edmund Head, "that we should be wanting in proper consideration for those Governments if we were to authorize, without any previous knowledge of their views, a meeting of delegates from the Executive Councils,

and thus to commit them to preliminary steps towards the settlement of a momentous question of which they have not yet signified their assent to the principle." On the return of the delegates a minute of council was passed, on Cartier's motion, that a copy of the proceedings, including the memorandum to the British Government, be communicated to the government of each of the provinces "with a view to invite such action in the matter as may be deemed expedient." The defeat of the Derby Government in the United Kingdom left the question in abeyance.[18] When in England again in the winter of 1859–60, Galt was entrusted with the duty of bringing it to the notice of the new Colonial Secretary, the Duke of Newcastle, but without satisfactory result.[19]

The year 1858 saw also outside the legislature important public discussion of federation. Alexander Morris had been an active advocate of the idea as a young man of twenty-three in the Kingston convention of the British American League. In the following years as a barrister in Montreal he contributed from time to time to the discussion of the subject, with which was strongly allied in his mind the question of the acquisition of the North-West, still monopolised by the Hudson's Bay Company. He was destined to become, in 1864, one of the chief instruments in the formation of the coalition ministry which negotiated federation. His most noteworthy contribution to the propaganda for union was a lecture on "Nova Britannia," delivered in Montreal in March 1858, and widely circulated in pamphlet form. A glowing account of the growth and possibilities of British North America from the Atlantic to Vancouver Island, it foretold the day when this wide domain would be united politically.[20]

George Brown was still incessantly agitating for constitutional change. That change, he considered, ought to be the granting of "Rep. by Pop." He became convinced, however, that this device, by itself, would long be resisted. Accordingly, feeling that some solution must soon be found, he sought for an alternative policy which might win acceptance in Lower Canada.[21]

On 23rd September, 1859, he called a meeting of the Reform members of both Houses. This caucus decided to summon a convention of the Liberal party, the famous Reform Convention of 1859, which met in Toronto on 9th November, five hundred and seventy strong. A full discussion of the existing evils resulted in the convention taking a decided stand on the constitutional question. The resolutions adopted affirmed the failure of the union in its existing form and the inadequacy of the double-majority principle as a remedy for that failure. They set aside as impracticable the idea of a federal union of all the colonies of British North America, but asserted that "the best practicable remedy for the evils now encountered in the government of Canada is to be found in the formation of two or more local governments, to which shall be committed the control of all matters of a local or sectional character, and some joint authority charged with such matters as are necessarily common to both sections of the province." The convention also reiterated the assertion that no government would be satisfactory to the people of Upper Canada which was not based upon the principle of representation by population.[22] An elaborate address was issued, chiefly Brown's work, setting forth the evils suffered by Upper Canada under the existing régime.[23] A. A. Dorion was unable to attend

the Toronto convention, though invited to do so; but a meeting of the Liberal members of the House from Lower Canada was held and a manifesto issued in support of the federalisation of the existing Canadian Union.[24]

The policy adopted at Toronto was embodied in two resolutions, favouring discontinuance of the union in its existing form and the substitution of a federal system, which were submitted by Brown at the next session of Parliament. Though defeated by a large majority the resolution had the support of most of Brown's followers.[25] It was on the principles and policy set forth by this convention of 1859 that the Liberal party made its appeal to the country in the election of 1861. Alexander Mackenzie, in his partisan though invaluable biography of George Brown, says that it was this platform "which was predestined to prevail in the parliament elected in 1863." [26] True, the federal idea was to win out there, but in an expanded form. In 1859 the Liberal party offered to stand sponsor for a federation not of all British North America but of the two Canadas. Favourable discussion of the idea of federation in the years before it became an immediate practical issue was not the exclusive monopoly of any one political party.

As we turn again to developments in the Maritime Provinces we leave the leaders of the parties in Canada lined up with some definiteness on the constitutional issue. Brown, followed by most of the Upper Canadian Liberals, was insisting primarily upon representation by population, but had professed willingness to accept a federalisation of the Canadian Union if it could be made a practicable means to that end. He was doubtful, however, of the feasibility of a federal union unless it should include the Maritime

Provinces, while, on the other hand, so extensive a federation as the latter did not seem to him to be advisable until the country should have shown further development. Sandfield Macdonald, refusing to follow Brown, was still holding to the principle of double majority,[27] though as Premier in 1862 he was to find it impracticable. Dorion and the Liberals of Lower Canada were advocating a federation of Upper and Lower Canada, but recognising, in the event of that proving impracticable, the validity of Upper Canada's demand for "Rep. by Pop." John A. Macdonald and Georges E. Cartier, with their Conservative followers in both sections of the country, seemed to consider that a federation which should include all the Provinces would be a more feasible scheme.[28] But they were not so enthusiastic over the idea as their fellow-leader, Alexander Galt. They were quite ready to leave the constitutional issue alone until circumstances should force their hands.

NOTES TO CHAPTER III

P. 24, *n.* 1. Saunders, *Three Premiers of Nova Scotia*, pp. 117, 244. Resolution dated 23rd February, 1854.

P. 25, *n.* 2. Howe to Francis Hincks, August 1855, Chisholm, *op. cit.*, vol. ii. p. 320. For extended extracts from Johnstone's speech, with the omitted portions summarised, see Saunders, *op. cit.*, pp. 245*ff.* For Howe's speech see Chisholm, *op. cit.*, vol. ii. pp. 268*ff.* Both speeches are given in full in Bourinot's *Builders of Nova Scotia*, pp. 152*ff.*

P. 25, *n.* 3. *Observations upon a Union of the Colonies of B.N.A.* "Security against any abuses of the centralisation system" he would provide by an extension of municipal corporations.—P. 46.

P. 25, *n.* 4. *A Union of the Colonies of B.N.A. Considered Nationally.*

P. 26, *n.* 5. Saunders, *op. cit.*, p. 343; Campbell, *Nova Scotia*, p. 434. Union was also discussed somewhat in the New Brunswick legislature, where it was supported in 1856 by John Hamilton Gray.—Johnson, *First Things in Canada*, p. 57.

P. 26, *n.* 6. *Cf.* Mackenzie, *Life and Speeches of Hon. George Brown*, pp. 263*f.* On the sectional conflict and the various remedies proposed see Skelton, *Life and Times of Sir Alexander Tilloch Galt*, chap. viii.

P. 26, *n.* 7. More than one hundred petitions reached the Legislative Assembly during 1856 urging that representation in parliament be based upon population.—Canada, *Journals of Legislative Assembly*, vol. xiv., 1856, *passim*.

P. 27, *n.* 8. Pope, *Memoirs of Sir John A. Macdonald*, vol. i. p. 150.

P. 27, *n.* 9. *Cf. ibid.*, vol. i. pp. 221*f.*

P. 27, *n.* 10. *Federative Union of the British North American Provinces.*

P. 27, *n.* 11. Canada, *Confederation Debates*, pp. 111*ff.*, 215*ff.*

P. 27, *n.* 12. Republished in book form at Quebec in 1858: *Des Provinces de l'Amérique du Nord et d'une Union Fédérale.* Taché was Secretary of Agriculture in the Cartier Government.

P. 28, *n.* 13. Brown to L. H. Holton, 29th January, 1858, Mackenzie, *op. cit.*, p. 194. For Dorion's account of the Brown-Dorion Government's relation to a policy of federation see his speech in Canada, *Confed. Debates*, p. 247, and for Brown's account see Mackenzie, *op. cit.*, pp. 274*f.* The Governor-General's account of the rise and fall of this ministry is in Head to Lytton, No. 102, 9th August, 1858, Canadian Archives, *G* 463.

P. 28, *n.* 14. See Skelton, *Galt*, pp. 236*ff.*

P. 29, *n.* 15. Head asked him to form a ministry himself, but he thought Cartier more capable of doing so at the moment.—Head to Lytton, *loc. cit.*

P. 29, *n.* 16. Canada, *Confed. Debates*, pp. 53*ff.*

P. 30, *n.* 17. Skelton, *op. cit.*, p. 252.

P. 31, *n.* 18. The correspondence connected with the federation aspect of the delegation's work is in a confidential Colonial Office pamphlet of November 1858: *Question of Federation of the British Provinces in America.* See also Canadian Archives, *G* 158; *G* 463; *State Book T*, p. 105. Several of the documents in the case are reprinted from the *Journals* of the Canadian Legislature in Boyd's *Cartier*, pp. 176*ff.*

P. 31, *n.* 19. Minute of Council, 13th February, 1860, Canadian Archives, *State Book U*, pp. 650*ff.*; Head to Newcastle, No. 12, 13th February, 1860, Canadian Archives, *G* 463. *Cf.* also Galt's memorandum of 20th August, 1860, on inter-provincial free trade, concurred in by Council 2nd January, 1861, Canadian Archives, *State Book V*, pp. 535*ff.*

P. 31, *n.* 20. Worthy of notice among pamphlets of the time besides Morris's *Nova Britannia* are Henry Taylor's *On the Intention of the Imperial Government to Unite the Provinces of British North America* and James Anderson's *The Union of the British North American Provinces Considered in a Letter Addressed to the Citizens of British America.* The latter appeared in the Montreal *Gazette*, October 1858, and was reprinted in the following year.

P. 32, *n.* 21. Mackenzie, *op. cit.*, pp. 71*f.*

P. 32, *n.* 22. Canada, *Confed. Debates*, p. 113.

P. 32, *n.* 23. Mackenzie, *op. cit.*, p. 72.

P. 33, *n.* 24. The manifesto, signed by McGee, Dessaulles, Drummond and Dorion, said: "The proposition to federalise the Canadian union is not new. On the contrary, it has been frequently mooted in Parliament and in the press during the last few years. It was, no doubt, suggested by the example of the neighbouring states, where the admirable adaptation of the federal system to the government of an extensive territory, inhabited by people of divers origins, creeds,

laws and customs, has been amply demonstrated; but shape and consistency were first imparted to it in 1856, when it was formally submitted to parliament by the Lower Canada Opposition, as offering, in their judgment, the true corrective of the abuses generated under the present system."—Canada, *Confed. Debates*, pp. 112, 215, 247.

P. 33, *n.* 25. Pope, *op. cit.*, vol. i. p. 221. J. S. Macdonald opposed, because he clung to the double majority plan. Only two of those who usually followed the Liberal leader ultimately voted against the resolution.—Mackenzie, *loc. cit.* More than seventy petitions were presented at this session for the repeal of the union and the establishment of two or more local governments.—Canada, *Journals Legislative Assembly*, vol. xviii., 1860, *passim.*

P. 33, *n.* 26. Mackenzie, *loc. cit.* In the election of 1861 "The candidates in Upper Canada generally pledged themselves to advocate constitutional changes almost as a matter of course. There was no further need to fight a battle to prove the wisdom and necessity for such changes."—*Ibid.*, p. 76.

P. 34, *n.* 27. Isaac Buchanan, member for Hamilton, followed him in this. In *Letters Illustrative of the Present Position of Politics in Canada . . .* 1859, he wrote: "The federation of the two Canadas, with the island of Montreal the seat of the Federal Government and common ground, is all the wildest should now contemplate." He advocated not only the double majority principle, but also freedom of the Government from parliamentary responsibility regarding legislation and an American Zolverein.—P. 8.

P. 34, *n.* 28. Speaking in the Assembly, 19th April, 1861, Macdonald said: "The only feasible scheme which presents itself to my mind as a remedy for the evils complained of, is a confederation of all the provinces." He was opposed, as always, to "Rep. by Pop." as a violation of the Union compact and as a recognition of the principle of universal suffrage.—Pope, *op. cit.*, vol. i. p. 228. A Maritime Province interpretation of the local situation in Canada was well stated in P. S. Hamilton's *Letter to His Grace the Duke of Newcastle, upon a Union of the Colonies of B.N.A.* (1860). He wrote: "The seemingly insurmountable difficulties in the way of longer continuance in operation of its present Constitution are not owing to the fact that Upper and Lower Canada are united, but result from certain artificial conditions annexed to the Union Act. It seems difficult to conceive how these difficulties can now be got rid of without doing manifest injustice to either one or the other of the two great divisions of Canada, unless by combining them with the other North American Colonies under a single Colonial Government."—P. 17.

CHAPTER IV

LIGHTS AND SHADOWS OF IMPENDING CRISIS

When the youthful Prince of Wales, later Edward VII., made his celebrated visit to North America in 1860, the friends of colonial union seized the occasion to attract British attention to their proposals. On the day the prince landed at Halifax an elaborate editorial favouring federal union appeared in the Halifax *Reporter*. The pronouncement is said to have "elicited from His Royal Highness an expression of approval."[1] But of course more important than the opinion of the boy prince was the attitude of his chief counsellor on the trip, the Duke of Newcastle, Secretary of State for the Colonies. It was not long since the duke had shown indifference to Galt's overtures on the subject. Now that he was in the country, could his interest be aroused? In an effort to do so, P. S. Hamilton, of Halifax, addressed to him an open letter on colonial union.[2] He set forth the condition of affairs that made some action necessary if the provinces were to develop as rapidly as they should and to do so within the empire. He did not dwell upon the question as to what kind of union would best suit the circumstances, but observed "that a Federative Constitution similar to that lately accorded by Imperial Act to New Zealand . . . would seem to combine the greatest degree of security to local interests with the greatest unanimity upon all matters of importance affecting the whole United Colony. It would also probably satisfy the

wishes and aspirations of the greatest number." He concluded by suggesting that his grace improve the opportunities afforded by his travels in the colonies to enquire into the state of feeling among their inhabitants in regard to this subject. Whether or not it was as a result of this particular advice, the duke did, at any rate, as will be seen later, use his eyes and ears to good effect during the following weeks.

In November of the same year Dr. Charles Tupper, the young lion of the Nova Scotia Conservatives, lectured at the opening of the Mechanics' Institute in St. John, New Brunswick, on "The Political Condition of British North America." The address soon gained wide publicity, as it was reported quite fully in the press and repeated at Amherst, Truro, Halifax, and Horton.[4] The speaker dwelt upon the "impotent position" which the Province occupied in relation to the parent State. The cause of British disregard of colonial interests he ascribed to the fact that British North America had no voice or influence in the Parliament of the United Kingdom. "Our position," he said, "is ever one of uncertainty. We have no constitution but the *dicta* of the ever-changing occupants of Downing Street." Repudiating the idea of annexation or independence, he advocated "building up on this side of the Atlantic a powerful confederation which shall be in reality an integral portion of her Empire." This he thought preferable to representation in the Imperial Parliament, which, though it would have some advantages, would not be acceptable in the colonies because of the burden of taxation by which it must needs be accompanied. "It would be premature to decide definitely on any particular plan" of union; the first thing to do was to get the desirability of union in any form generally recog-

nised; it would then be possible to arrange the matter in a way satisfactory to all sections. The closing portion of the lecture was devoted to an enthusiastic portrayal of the chief results likely to flow from a union of the Provinces. It would give British North Americans a nationality and do away with petty jealousies, and by furnishing broader public questions and providing greater distinctions for public men would elevate the tone of public life. It would be valuable in a military sense; and as a question of political economy it was "not unworthy of consideration," for it would mean interprovincial free trade, and economy in administration, and would render concerted action possible in the "vitally important question of intercommunication." [5]

At Portland, across the St. John River, he delivered another lecture, on "Maritime Union," which had been advocated almost half a century before by the Duke of Kent. Tupper's practical mind saw the possibility of an early fulfilment of this dream. The St. John *Morning Chronicle* of 22nd November, 1860, referring to the lecture, said that while the union of all the British North American Provinces was not likely for many years, union of the Maritime Provinces was practicable now and not antagonistic to the larger question.[6]

The first step taken by any legislature in the final unbroken series of official events that led up to federation was taken in the adoption of a resolution by the Nova Scotia Assembly in 1861. To Joseph Howe, then leader of the Government, must be granted, in spite of his later open antagonism to federation, the credit of moving the resolution. As the attitude of the Opposition leader was already unmistakably in favour of such a movement, the

motion was passed unanimously. Referring to the discussion in all the colonies of the question of a union, either of all the Provinces or only of the Maritime ones, and to the obstacles which could "only be overcome by mutual consultation of the leading men of the Colonies and by free communication with the Imperial Government," the resolution went on to provide "that His Excellency, the Lieutenant Governor be respectfully requested to put himself in communication with his Grace the Colonial Secretary and his Excellency the Governor General, and the Lieutenant Governors of the other North American provinces, in order to ascertain the policy of Her Majesty's Government, and the opinions of the other colonies, with a view to an enlightened consideration of a question involving the highest interests, and upon which the public mind in all the provinces ought to be set at rest." [7]

The Lieutenant-Governor, the Earl of Mulgrave, in transmitting the resolution to the Colonial Office some months later, stated that though there was considerable diversity of opinion in regard to the form which a union should take, yet the feeling in favour of a union of some sort was decidedly on the increase in the Province. "Under these circumstances," he said, "my Government are of opinion that a meeting of the leading men of the different provinces should take place, in the hope that, after full deliberation and discussion, some practical scheme may be devised to which the public attention may be directed in the future consideration of the subject." [8]

The Duke of Newcastle, after his trip of inspection and consultation, was now much more responsive to the idea than he had been when Galt brought it to his notice some months before, and his reply to Lord

Mulgrave became an important document, constituting as it did the authority upon which the colonies later acted in drawing up the Quebec Resolutions.[9] In this despatch the Colonial Secretary, after voicing appreciation of the importance of the two measures alluded to in the resolution—Maritime union and union of all the Provinces—went on to say: "They are, however, of a nature which renders it especially fit that if either of them be proposed for adoption it should emanate in the first instance from the Provinces, and should be concurred in by all of them which it would affect . . . the most satisfactory mode of testing the opinion of the people of British North America would probably be by means of Resolution or Address, proposed in the Legislature of each Province by its own Government . . . if a Union, either partial or complete, should hereafter be proposed with the concurrence of all the Provinces to be united, I am sure that the matter would be weighed in this country both by the public, by Parliament, and by Her Majesty's Government, with no other feelings than an anxiety to discern, and to promote any course which might be the most conducive to the prosperity, the strength and the harmony of all the British Communities in North America."[10]

Upon receipt of this despatch Mr. Howe communicated with the provincial secretaries of Canada, New Brunswick, and Prince Edward Island. "It was," he wrote, "thought desirable by the Legislature of Nova Scotia that the question should be set at rest by such a formal discussion as would promote such a union, if there be any general desire to effect it, and save much time, if there was not." He therefore asked whether the governments were prepared to discuss the question of union, and for that purpose

to appoint delegates to meet about the middle of September.[11] In accordance with this suggestion delegates considered the matter at Quebec, but after deliberating for some time they came to the conclusion that further discussion of the subject at that juncture was inexpedient.[12]

The gradually widening discussion of the question of consolidating the British Provinces in North America under a central government was not merely the result of politics in the narrow sense; it was rather a symptom of important developments in the determining conditions of British North American life. Discussion had in itself much to do with popularising the general idea, but what was impracticable in 1839 or 1849 or 1858 could not have become an accomplished fact in 1867 had there not in the meantime been important changes in these determining conditions of British American relationships. While it may be well in passing to remember that the mid-nineteenth century was a time when the making of new nations and constitutions was the fashion in many countries, it must be noted that the movement towards nationality in British North America, though parallel to those wider world changes and perhaps to some extent influenced by them, is to be accounted for largely by factors peculiar to this group of colonies, such as the circumstances of their economical and political growth, the nature of their bonds with the motherland, and their relations with their great English-speaking neighbour, the United States.

The change in the colonial status of the Provinces involved in their acquisition of responsible government and fiscal autonomy had cumulative results important in their effect upon the growth of colonial self-consciousness and pride. The colonies, moreover, thrust

now by the mother-country into a position of greater independence, became increasingly aware of their own insignificance as separate communities. This feeling of insignificance was driven home by the way in which their wishes were set aside in treaty-making with the United States; they were convinced that more than once their interests had been sacrificed.[13] So distinguished a colonial as Joseph Howe, visiting the Old Country, was painfully conscious of the condescending attitude held towards him and towards his home by people there. The feeling of the inhabitants of the Provinces that they had outgrown the status of "colonist" was fostered by their growth in population and in prosperity. They coveted a recognised position in the world more consistent with their own opinion of their capabilities and importance. Public men, especially in the Maritime Provinces, felt keenly the contrast between their narrow opportunities for distinction and the avenues to greatness open to men no whit their superior in the neighbouring States.[14] In this respect the achievement of responsible government had been insufficient. "There is still," wrote Colonel Sleigh in '53, "no genuine scope for intellect and talent, and a great people are still squabbling for the 'petty prizes of the paltry raffle of Colonial faction.'" He was not far wrong in conceiving that "an independent Viceroyalty" was needed to remove those evils.[15]

Parallel with the growing dissatisfaction of the colonies over their existing status came increased mutual acquaintance, understanding, and trust among the people of the several Provinces as facilities for intercourse between widely separated regions became better and as the problem of still further improving means of communication and travel brought out-

standing men together for consultation and co-operation. In fact it was an interprovincial postal conference, held at Montreal in 1847, which first officially brought together the leaders of the provincial governments.[16] As late as 1850 British America had less than a hundred miles of railway, but the following decade was a time of rapid railway expansion accompanied by growing recognition of its necessity.[17] There arose, especially, a louder and louder cry for a railway to connect Canada with the Lower Provinces. Lord Durham had suggested that project,[18] and several times it seemed near consummation. But it was felt that such a railway would not pay commercially. The colonial governments were early led to consultation on the problem, but they hesitated to enter unassisted on the financing of such an undertaking. Efforts to obtain British help in the form of a guarantee also failed. The necessity of finding means to build such a road was an important factor in the federation movement, so important that the subject is reserved for separate treatment in the second part of this book. In that section also is treated the whole question of preserving the North-West to British rule, and opening it to settlement and general trade, another problem that is vitally bound up with the movement for federation.

The example of the United States, and the progress of events there, constituted an important influence promoting a federal union of the neighbouring British colonies. The very existence of the United States furnished an ever-present example of a workable federation.[19] True, even early in 1864 it still looked as if the Civil War might end in disunion; and here and there a British-American voice was heard arguing that this failure of the American union proved the

futility of any federation. But for the most part it was held that the trouble had arisen from the existence of too great powers in the state governments, rather than from the fact of union. This deduction, as will be seen later, strengthened the hands of the men who wished a strong central government for British America, and the Civil War in the United States was thus, even in the realm of political theory, not a hindrance to British-American union. On the other hand, in the practical realm, it will be seen that the complications arising from the war stimulated the movement powerfully.

Irritation over the recent settlements of the Maine and Oregon boundary disputes was still easily aroused. Under the Reciprocity Treaty of 1854, trade with the States was thriving, but, perhaps partly for that very reason, the annexation sentiment north of the frontier was virtually dead. Men remembered now that twice since the century began that frontier had been endangered; they remembered the American election cry, "54°–40′ or fight," and the talk of public men of all parties about "manifest destiny," and ascribed to the average American the sentiment of the oft-quoted couplet:

> No pent-up Utica contracts our powers;
> The whole unbounded continent is ours! [20]

They reminded each other that the United States had extended itself geographically at every opportunity, and had only refrained from lusting after the British possessions in recent years because of the jealousy of the slave-states lest free territory be added to the Union.[21] The war had not only removed that check upon American aggressiveness; it had also changed the United States into a great military and naval

power. So, in spite of widespread sympathy with emancipation, evidenced in the enlistment of many British Americans in the Union armies, there was much fear lest this newly developed military and naval power of America become a menace to the British provinces and territories and absorb them one by one, if they remained separate and weak.[22] This feeling was strengthened by the unfortunate developments in the official relations of the two countries. The Trent affair in the fall of 1861 led to preparations for war. While Britain forthwith sent regular troops to America, at the same time she made it known that she expected the colonies to take a real part in their own defence.[23] The Militia Act introduced in the Canadian Legislature failed to pass, however, because of party strife. The colonies were now more than ever impressed with their own weakness so long as they lacked either political machinery for common legislative action or adequate facilities for transportation from one section to the other. The difficulties of troop transport in winter from the ice-free ports of the Maritime Provinces to the St. Lawrence presented to the people an object lesson of their need of an intercolonial railway. The Province of Canada would need it all the more should the United States deprive her, as she feared, of the privilege of shipping goods to and from the American seaboard in bond.

Uncertainty as to the future of reciprocity was another outcome of the unfortunate condition of relations with the United States. Under the terms of the treaty of 1854 either party might after ten years abrogate the agreement on a year's notice. Would the American Government in its existing feeling of rancour at the official British attitude

towards the Civil War, terminate reciprocity in order to get even, and perhaps, by economic pressure, to make the colonial status intolerable? Annexation had been considerably in favour in Canada in 1849, but that time was past. Now, should the American market afforded by the preference be lost, the alternative of a union of British North America, which would bring with it as a matter of course interprovincial free trade, was looked upon generally with much more favour than annexation as a possible antidote to commercial disaster.[24]

Thus numerous elements in both the internal and external affairs of the colonies were creating a favourable field for the growth of the federation idea. And its popularisation, meanwhile, went on apace. A most persistent advocate of the project was D'Arcy McGee, that picturesque Irishman who had been converted from a plotter against British rule in Ireland to an enthusiastic campaigner for British rule in the American colonies as opposed to annexation to the United States, and who in a few years was to fall a victim, for his loyalty, to the bullet of a Fenian assassin. In the press and on the platform, in the Maritime Provinces as well as in Canada, he campaigned ardently. In "A Plea for British-American Nationality" and "A Further Plea for British-American Nationality," two articles that appeared in the *British American Magazine* in 1863, he rebuked the *laissez-faire* attitude in politics, rejoiced that the future of British America was beginning to excite serious discussion, and argued warmly for a voluntary federal union, under the Crown, as "the only means to perpetuate a future connection between Great Britain and the trans-oceanic Provinces of the Empire," a connection which he believed to be in the

interest of the Provinces, and to be for civilisation itself "beyond all price desirable." [25]

As 1864 opened, many influences were operating to lead the colonies towards united action. But any such action had to come after all by the instrumentality of politics. Fortunately, in the Maritime Provinces political leadership was ready once more to blaze the trail, and in Canada the apparent hopelessness of the political situation under the existing régime was calculated to make the leaders there ready to work together in opening the road to great changes. Everywhere the situation was now for the first time such as to allow the federation issue to be met largely in a non-partisan spirit.

NOTES TO CHAPTER IV

P. 37, *n.* 1. Johnson, *First Things in Canada*, p. 58.

P. 37, *n.* 2. 28th July, 1860, *Letter to His Grace the Duke of Newcastle, upon a Union of the Colonies of B.N.A.*

P. 37, *n.* 3. ". . . dividing the whole United Colonies into a number of provinces, each with an elective Superintendent and Council to administer, and legislate upon, certain defined and exclusively local affairs,—the whole being subordinated to a Viceroy, appointed by the Crown, or hereditary, in a branch of the Royal Family, and a metropolitan Parliament of two Houses, to deal with all matters of general interest, and to possess the power of exercising a general supervision over the local legislation of the Provinces so as to harmonise their action."—Pp. 17*f.*

P. 38, *n.* 4. Saunders, *Three Premiers*, p. 343.

P. 39, *n.* 5. Tupper, *Recollections*, pp. 14*ff.*

P. 39, *n.* 6. Saunders, *op. cit.*, p. 345.

P. 40, *n.* 7. 15th April, 1861. Nova Scotia, *Journals of Legis. Assembly*, 1861, p. 125. Printed also, but somewhat inaccurately, in Chisholm's *Howe*, vol. ii. pp. 368*f.* On 19th April John A. Macdonald spoke in the Canadian Assembly in support of federation.—Pope, *Memoirs of Sir John A. Macdonald*, vol. i. p. 228.

P. 40, *n.* 8. Mulgrave to Newcastle, No. 47—Miscellaneous, 21st May, 1862, Nova Scotia, *Journals of Legis. Assembly*, 1863, Appendix No. 17. The Provincial Government had considered it inexpedient to act on the resolution in the previous year.

P. 41, *n.* 9. Pope, *Confederation Documents*, p. 59; Canada, *Confed. Debates*, p. 136.

P. 41, *n.* 10. Newcastle to Mulgrave, N.Sc. No. 182, 6th July, 1862, Nova Scotia, *Journal of Assembly*, 1863, Appendix No. 17; also in Pope, *op. cit.*, pp. 303*f.*

P. 42, *n.* 11. Howe to Dorion, Tilley, Pope, respectively, 14th August, 1862, Nova Scotia, *Journal of Assembly*, 1863, *loc. cit.*

P. 42, *n.* 12. Saunders, *op. cit.*, p. 347. *Cf.* Howe to Newcastle, 13th September, 1862, Canadian Archives, *Howe Papers*, vol. viii. pp. 316*ff.*, in which Howe says that the question of union "has been postponed to a more convenient season, after public opinion has been prepared by the intercourse over the Road [the Intercolonial Railway, which was also discussed by the delegates]."

P. 43, *n.* 13. *E.g.* Maritime Provinces and Reciprocity Treaty of 1854.—Hamilton, *Letter to Newcastle*, p. 11. *Cf.* Tupper, *op. cit.*, p. 17.

P. 43, *n.* 14. *Cf. ibid.*, p. 23.

P. 43, *n.* 15. Sleigh, *op. cit.*, pp. 343*f.*

P. 44, *n.* 16. Smith, *History of the Post Office in B.N.A.*, p. 268.

P. 44, *n.* 17. In 1850 British America had sixty-six miles of railway, in 1867 she had 2087 miles.

P. 44, *n.* 18. In his speech in the N.S. Assembly in 1854, Johnstone said: "The impediments resulting from distance, and from the unhappy circumstances of both the Canadas, at the time, were those chiefly felt by Lord Durham in 1838, when the subject was discussed at Quebec by that distinguished and acute statesman and his able advisers . . . and the delegates attending from the Provinces [of whom Johnstone was one]."—Saunders, *op. cit.*, p. 246.

P. 44, *n.* 19. The prosperity of the U.S. was often pointed to as a result of their union. It was sometimes forgotten that the British colonies had a later start. Hamilton, on the other hand, in his *Observations* (Halifax, 1855), gave figures to show the greater relative growth of B.N.A. than of the original U.S. He wished to demonstrate the fitness of the colonies for union.

P. 45, *n.* 20. *Cf.* Morris, *Nova Britannia*, p. 36, quoting Howe.

P. 45, *n.* 21. Hamilton, *Union of the Colonies of B.N.A.*, p. 6. This is a reprint of the three papers referred to elsewhere, preceded by an introduction dated October 1864, and was published while the Quebec Conference was meeting.

P. 46, *n.* 22. McGee, in Canada, *Confed. Debates*, pp. 129*ff.*, 143; Dilke, *Greater Britain*, p. 61; Saunders, *op. cit.*, p. 251; Hamilton, *Letter to Newcastle*, p. 12. Annexation may have been a phantom, as it was characterised by L. O. David in *L'Union des deux Canadas*, 1841–1867, p. 220, but when what people think and the truth fail to harmonise it is the former rather than the latter that influences the course of events.

P. 46, *n.* 23. On the British policy of throwing the burden of defence more and more upon the colonies, see Elgin's *Letters and Journals*, pp. 128*ff.*

P. 47, *n.* 24. It was believed that the total imports of N.S., N.B., P.E.I., and Newfoundland from the U.S., "of articles which Canada might supply, were, speaking in round numbers, equal to the aggregate exports from Canada to the States."—S. R. Day, *English America*,

vol. i. p. 320. The provincial governments considered in 1862 the possibilities of interprovincial free trade in manufactures, but postponed the question because, though there were obvious advantages, the Maritime Provinces, dependent upon tariffs for practically all their revenue, felt that they could ill afford to make the change.—Howe to Newcastle, 13th September, 1862, Canadian Archives, *Howe Papers*, vol. viii. pp. 316*ff*. See also Tilley to Howe, 1st February, 1862, *ibid.*, vol. iii. p. 349; and Canadian Archives, *State Book X*, pp. 516*f*.

P. 48, *n.* 25. In *British American Magazine*, August and October 1863, vol. i. pp. 337*ff*., 551*ff*. In the same year he lectured on the subject in the Maritime Provinces. See his *Speeches and Addresses, passim.*

CHAPTER V

CANADA IN A CUL DE SAC

THE long and embittered sectional strife in the Province of Canada culminated early in 1864 in a deadlock which had a happy result. It convinced most of the leaders of both Government and Opposition that some radical step was necessary if a way out was to be found for their country from the cul de sac of petty politics in which she was groping.

Many were the points of recurring irritation between the two sections of the Province, for the most part arising out of matters affecting merely one or the other, but dealt with by their common legislature. As George Brown once phrased it, the sources of discord were found in the divergent views regarding "the applying of public money to local purposes—the allotment of public lands to local purposes—the building of local roads, bridges, and landing-piers with public funds—the chartering of public institutions—the granting of public money for sectarian purposes—the interference with our school system—and similar matters." [1]

Friction over such details of administration was vastly increased by the Upper Canadian jealousy of Lower Canada's retention of equal strength in the Provincial Legislature, in spite of the fact that Upper Canada's contribution to revenues was alleged to be much larger than Lower Canada's and that the population of the former section was becoming increasingly the greater. George Brown's virulent campaign in

the columns of the *Globe* for "representation by population" reached the height of its strength in the early 'sixties, when this reform, demanded as it was by Upper Canada and strongly opposed by Lower Canada, became "the leading question of Provincial political parties."[1] It was now a sectional dispute rather than a mere party issue. Even in the Conservative Cartier-Macdonald Government, which held the reins after Brown's three uneasy days in the saddle in 1858, so strong was the Upper Canadian element in favour of "Rep. by Pop." that the question had to be left an open one. On 20th May, 1862, a Militia Bill introduced by this Government was defeated on its second reading in a full House by a majority of seven. The vote was intended to express want of confidence, and was so interpreted by the Government. John Sandfield Macdonald was entrusted with the formation of a new Cabinet, and he took Louis Victor Sicotte as his French-Canadian colleague in the leadership. Formed on the basis of retrenchment in expenditure, reform in departmental administration, and the encouragement of volunteering as a means of defence, this Government chose to conciliate Lower rather than Upper Canada on the question of representation, for J. S. Macdonald, though a Liberal, was as strongly an opponent of representation by population as John A. Macdonald or G. E. Cartier. Thus, although containing some advocates of representation by population, this Government decided to oppose that reform, hoping to avoid sectional strife by an understanding that it would be governed by the principle of the "double majority," a principle, however, which it soon deserted at the beck of expediency.[2]

After a precarious life of less than a year, the

Macdonald-Sicotte Ministry went down on 8th May, 1863, before a vote of want of confidence, sixty-three to fifty-nine, taken on the motion of John A. Macdonald. A few days later the Legislature was prorogued and the Lower Canadian members of the Ministry and one member from Upper Canada resigned. With his platform altered to the extent of abandoning the "double majority" principle and of ceasing to consider the representation question as a closed one, Sandfield Macdonald appealed to the people, and in the election in June just held his own. George Brown had at first bitterly opposed Sandfield Macdonald's Government. Now, however, that Macdonald had consented to make "Rep. by Pop." an open question, Brown gave him his cordial support,[4] and it was in the campaign for this election that the "Rep. by Pop." cry attained its height. On the 26th of the month George Brown wrote from Toronto to Luther H. Holton of Montreal, who soon became Minister of Finance in Sandfield Macdonald's reconstructed Government: "The elections are over. We have been as successful as we could hope to be, and now begins the real trouble . . . our very success in Upper Canada, and the complete rout of the old corruptionists, have rendered our future more difficult than before. We cannot hold up the return of . . . [John A. Macdonald] and Cartier as a scarecrow for those who insist on our carrying out our principles. We have men returned on our side firmly pledged to carry out our views, and what is more, all but two oppositionists returned are as earnest as we are in claiming the same reform. The vote for representation by population will be almost unanimous on the part of Upper Canada members, and the conservatives will now be most violent in their

clamours for it, when they see that the country has completely adopted it." [5]

Brown may have been rather too sanguine regarding the violence of Conservative clamours for "Rep. by Pop.," but he was assuredly right in his view that the constitutional crisis for which he had long worked was rapidly approaching. A brief autumn session of Parliament revealed the fact that Sandfield Macdonald's reconstructed Ministry, with A. A. Dorion as the leader of his new Lower Canadian colleagues, was very little stronger than its predecessor.[6] Hostile motions against the Government were defeated by majorities varying from one to three. An increased support from Upper Canada was offset by the fact that only a minority of Lower Canada's representatives supported the Government,[7] the larger part of the members from that section following the banner of Cartier. Prospects for the achievement of a stable administration became even less bright during the following parliamentary recess. In December there occurred a ministerial by-election in Upper Canada which was watched with great interest, for it was generally felt that its outcome would spell the fate of the Government. The new Cabinet member was rejected at the polls by his former constituents in favour of a follower of John A. Macdonald.[8]

A few days later, 19th February, 1864, Parliament met. The address was carried without any amendment being moved, and several Government measures introduced without any hostile division having been taken. While it might be easy to overthrow the existing Ministry, the political history of recent months had left no one confident that another could secure a position any more stable. On 1st March George Brown wrote home: "It is not at all unlikely

that a crisis may be brought on this week—and it may come any day, and we may all get home much sooner than any of us anticipate. There is very little party spirit throughout the House—most of the members on both sides want to get on with the business, and how a crisis may end no one can predict."

A crisis was due, but no Opposition leader felt strong enough to precipitate it. Nevertheless, it took only a few weeks to convince the Premier that there was nothing for it but to resign. He saw that with his precarious majority of one or two votes he would be unable to carry through measures, particularly concerning finance, which he felt that his Government must introduce. There seemed nothing more that could be done to strengthen his administration. But he was hopeful that if he got out of the way a coalition might be formed strong enough to carry on government successfully. Accordingly he interviewed Lord Monck on the morning of Monday, 21st March. In that interview, as the Governor-General reported it to Newcastle,[10] Macdonald said "that it appeared to him the time was come when a junction of men of opposite parties might with advantage be formed, and that as he might perhaps be a personal obstacle to such an arrangement he begged leave to place his resignation and that of his colleagues" in the Governor-General's hands.

"He concluded," Monck continues, "by advising me to put myself in the hands of Mr. Fergusson Blair (who held the office of Provincial Secretary in his Ministry) as a gentleman likely to conciliate support from both sides of the House.

"As it seemed to me, from my own observation, that there is really no question, involving any

principle which ought to prevent public men from co-operating in Government, in dispute between political parties in Canada, and as I was aware that Mr. Blair is personally popular with men of all parties I adopted Mr. S. Macdonald's advice and entrusted to Mr. Blair the duty of forming a new Administration on a broader basis."

Blair found the task too much for him. After communicating with Sir Etienne Taché, a former Conservative Premier, and others who had opposed the Macdonald-Dorion Government, Blair came to Monck late on the evening of 22nd March and reported the failure of his attempt to reconstruct the Government by bringing opposing parties together. Monck asked him to withhold announcement of the fact till next morning in order that he himself might try to reconcile the parties. Early in the morning Monck saw Taché, "who," he reported, "possessed great unwillingness to reenter official life," also Blair and Macdonald, and was soon convinced as a result of these interviews that a coalition was out of the question.

Then the Governor sent for Cartier as the recognised leader of the party hitherto in opposition. The latter delayed giving a definite answer until he could see his friends. The same afternoon, about an hour later, he called and announced his acceptance. Later in the day he called again, with Sir E. Taché, asked that the veteran leader be First Minister, and agreed to be a member himself of such an administration. Taché spent some days negotiating with various gentlemen. "I saw him from day to day," Monck reported, "and he informed me that he had endeavoured to bring about a coalition with some of the members or supporters of Mr. S. Macdonald's

Government but with a similar want of success to that which had attended Mr. Blair's efforts in the same direction." After more than a week, however, the new Premier at length succeeded in forming a Conservative Cabinet on 30th March. The Upper Canadian portion of it was chosen by his principal colleague, John A. Macdonald, who after much persuading had been induced to share in the thankless task because his leadership for Upper Canada seemed the best insurance for the new Ministry's life.[11] It lived, but only until 14th June, when it was defeated by a majority of two votes, the fourth Ministry to fall in three years, years in which even the turmoil of two general elections had failed to avert deadlock. Short as was this Government's life, it is important in the progress of the present story.

Political deadlock inevitably entails serious difficulties and dangers for a country's administration, but it was especially serious for Canada in 1864 because of the peculiarly critical period through which the Province was passing. The country faced problems which could not be evaded and which could only be handled adequately by a strong Government. That the chief of these problems were generally recognised is evidenced by the contents of a paper read in the Assembly on the evening of 30th March, 1864, embodying the policy proposed by this Taché-Macdonald Government formed on that day.[12] As a result of the American Civil War, which had been waging now for three years, and of the international politics connected with it, there had arisen a feeling of hostility on the part of the United States towards the people of Canada that determined several points in the new Government's policy. Defence was mentioned first; in this, efficiency would be aimed at, but since the

electorate had shown itself hostile to any large increase of outlay from the provincial treasury for this purpose, the aim would be pursued without increasing the existing expense. The Government stood also for the maintenance and extension of the Reciprocity Treaty and bonding system with the United States. Probably because of a growing feeling that it was risky longer to depend upon this American-trade basket for carrying to market so large a proportion of Canada's eggs of commerce, it was announced as well: "A conference will be sought with the sister Provinces with the view of effecting a more intimate commercial union with them." To the pressing problems of developing means of communication and expansion a paragraph was devoted. "Measures for the development of the North Western Territory and the improvement of our communications with the Seaboard will," it was promised, "be submitted for the early consideration of Parliament; and such readjustment of the Canal Tolls will be made, as may be necessary to prevent the diversion of the Western Trade from our own waters." As for the issue which more than any other had brought on the crisis between the parties, the pronouncement was: "The question of the Representation of the People in Parliament will remain an open question." Promising to promote the settlement of available public lands in Canada and to treat the development of agriculture as of paramount importance, the Government concluded by avowing that their general policy would be governed by the "great constitutional principles of Britain."

Parliament, having adjourned after the formation of the Taché-Macdonald Ministry, in order to give time for the ministerial by-elections, met again

3rd May. Then for a fortnight general business filled the calendar, while constitutional issues remained in the background. On 18th May, however, a motion of George Brown's came up for discussion. The earlier history of this motion is interesting for its connection with the federation idea. Brown first introduced it on 12th October, a few days before the close of the brief autumn session of the previous year, but withdrew it, explaining to the House that he then merely wished to keep the matter before them, but would introduce it again next session, as he thought that in his motion lay the solution of the constitutional difficulties that divided the two sections of the Province. The phraseology of the resolution cleverly linked it with the mission to England of the Conservative Ministers, Cartier, Galt, and Ross, in 1858–9, when they had urged the Home Government to issue instructions for the appointment of delegates from each Province to discuss the subject of a federation of British North America. It moved for the appointment of a select committee "to enquire and report on the important subjects embraced in the despatch" addressed 2nd February, 1859, by these Ministers, then in London, to the Colonial Minister, in which they explained that the increasingly critical state of sectional politics in Canada had impressed the Government of that province with "'the importance of seeking for such a mode of dealing with the difficulties as may forever remove them.'" [13]

On 14th March, 1864, Brown kept his promise and again moved his resolution. In doing so he pointed out that political feelings had so far subsided that every member of the House could now see the absolute necessity of remedying all causes of variance between the two sections of the Province, and that

the time was come when they could approach a question like this more harmoniously than in former times. He explained that he had sought to introduce the subject in the least objectionable form, and so instead of bringing forward a proposition of his own had appeared as a defender of a policy enunciated by his honourable friends on the opposite side of the House. "I have determined," he said, "that I will take ground that cannot be assailed; that is perfectly indisputable, and that both sides of the House have agreed to. I ask my honourable friends opposite to take that course now which they considered it desirable to take five years ago." He warned his hearers that with Cartier's majority from Lower Canada and Sandfield Macdonald's from Upper Canada a general election would surely come if this thing were not done. He stood as an independent member, ready to vote for or against any Government if he considered that thereby the interests of the country would be advanced. For eleven years crisis had been chronic. No one would consider it desirable to continue that state of things. The question was, what remedy ought to be applied. Some were for a federation of all the Provinces, some for one of the Canadas alone, some would merely dissolve the existing union, some favoured a legislative union of all the Provinces. It would be for the committee to discover a basis upon which the Legislature could agree.[14]

The conciliatory attitude of many of the members of the Assembly was evinced by the treatment accorded an amendment the purpose of which was to secure the permanent inviolability of the principle of equality of representation of the two sections of the Province. The amendment was not even

debated, and was defeated by a majority of fifty-seven.[15] Nevertheless in the discussion of Brown's motion it was apparent that politics had not yet entirely forsaken the field. Considerable desire was shown to avoid the loss of political vantage-ground which might result from too outspoken support of constitutional change. Charges of inconsistency, the ever-ready recourse of the parliamentary debater, furnished some party ammunition. Cartier and Galt refused to be beguiled by the phrasing of the motion, the former opposing it on the plea that it would smother the question, the latter contending that the Government should avow its policy in regard to the matter and not allow the consideration of so important a subject to be delegated to a committee. In spite of this challenge, however, Sandfield Macdonald as Premier declined to express any Government policy on the subject. John A. Macdonald thought that if there were any union it should be a real one, with one legislature and government for the united Provinces, and he attacked Brown's apparent inconsistency in regard to the principle of representation by population, pointing out that the despatch of the three Ministers had recognised "Rep. by Pop." as impossible and had suggested a federation instead.

After this preliminary debate, consideration of the resolution was dropped for the time and was not resumed until the Sandfield Macdonald-Dorion Government had given way to that of Taché and John A. Macdonald. Then, as has already been said, on 18th May the motion was again brought forward. Old party lines appeared to have comparatively little weight. The alignment of members on this issue was even more sectional than the old division between parties. A large proportion of the represen-

tatives from Upper Canada favoured it strongly. With these stood the bulk of the members from the Eastern Townships, the chief English-speaking part of Lower Canada. During the long agitation for representation by population, the latter, with the interests of a minority to safeguard, had done their best to maintain a policy of conciliation and toleration; now, in the possibility of a federal union, they seemed to see hope of escaping the political cul de sac in which the country seemed losing itself. Most of the remaining Lower Canadian members opposed the motion because they feared that their part of the Province might lose its dominating position in Canadian politics. But the French-Canadian attitude was really not tested at this time, for Cartier, though already for several years a convert to the federation idea, voted against Brown's motion as "time would solve the difficulty." The motion was carried by fifty-nine to forty-eight.[16]

Brown's feelings over the course of the debate and the result of the vote are shown in two letters which he wrote home from Quebec. In the first he said:

"I brought on my motion for constitutional changes this afternoon, and we had a capital debate upon it—the best debate on the question we ever had in parliament—calm, temperate, and to the point. I really believe there is a chance of my motion being carried. . . . I feel a very great desire to carry the motion. It would be the first vote ever carried in parliament in favour of constitutional change, and even that would be some satisfaction after my long fight for it."[17]

When he wrote again on 20th May his hopes had been partially fulfilled:

"It was indeed a great success, and took Cartier,

Macdonald, &c., by intense surprise. They had no conception that there was a probability of my motion being carried. It has excited great discussion this morning, and my committee had its first meeting at noon to-day. Sixteen members of the committee were present, and we had a very useful and harmonious discussion. Much that is directly practical may not flow from the committee; but it is an enormous gain to have the acknowledgement on our journals that a great evil exists, and that some remedy must be found."[18]

Having obtained his committee, comprising the leading members of both parties,[19] Brown was determined that its discussion should not end without its having squarely faced the problem of sectional discord in the Province of Canada. Years later he told to a friend an incident of the meeting which illustrates his unyielding attitude on this point. After considerable bantering talk it had been finally decided that the committee's deliberations should be private, in order that in the discussion members might be untrammelled by party affiliation or by former utterances and might thus more readily maintain a spirit of compromise. Thereupon, Brown locked the door, put the key in his pocket, and accosted his surprised committee-men with the words: "Now, you must talk about this matter, as you cannot leave this room without coming to me."[20]

Spurred on by such a spirit in its chairman, the committee wound up its business on 13th June and embodied its decision on the matter at issue in a report, which was submitted by Brown on the next day, and which ran as follows:

"That the committee have held eight sittings and have endeavoured to find some solution for existing

difficulties likely to receive the assent of both sections of the province. A strong feeling was found to exist among the members of the committee in favour of changes in the direction of a federative system, applied either to Canada alone, or to the whole British North American provinces, and such progress has been made as to warrant the committee in recommending that the subject be again referred to a committee at the next session of parliament." [21] The only opposition in the committee to the adoption of this report came from John A. Macdonald, John Sandfield Macdonald, and John Scoble. The first of these gentlemen very soon changed his mind, and within a few months was devoting his energies to framing and pushing through a scheme for the federation of British North America. There may be some validity in the contention of his political opponent, Alexander Mackenzie, that his conversion was hastened by the fall of the Taché-Macdonald Government, of which he was really the active head.[22] The critical events precipitated by that fall and involving Macdonald's conversion must now be related.

NOTES TO CHAPTER V

P. 51, *n.* 1. Canada, *Confed. Debates*, p. 96.

P. 52, *n.* 2. So the Governor-General, Lord Monck, called it in his despatch to Colonial Secretary Newcastle, No. 68, 25th July, 1862, Canadian Archives, *G* 464. This despatch gives an account of the state of parties in the Canadian Legislature from Monck's arrival in 1861, and upon it the following paragraphs are based in considerable part.

P. 52, *n.* 3. The principle had fallen through in connection with R. W. Scott's School Bill (1863), which was supported by the Government and passed though the U. C. vote showed a minority of nine.—Pope, *Memoirs of Sir John Macdonald*, vol. i. p. 245.

P. 53, *n.* 4. See Pope, *op. cit.*, vol. i. pp. 247*ff*. Pope thinks that Brown would have liked to co-operate with the Conservatives to secure

"Rep. by Pop." had he not procured better terms by coming to the support of Sandfield Macdonald. He implies, as always, that Brown had ulterior motives.

P. 54, *n.* 5. Mackenzie, *George Brown*, p. 206.

P. 54, *n.* 6. This session, 13th August to 15th October, is described in Monck to Newcastle, No. 102, 21st October, 1863, Canadian Archives, *G* 464.

P. 54, *n.* 7. Pope, *op. cit.*, vol. i. p. 252.

P. 54, *n.* 8. For particulars regarding this election see Monck to Newcastle, No. 43, 31st March, 1864, Canadian Archives, *G* 465; also Pope, *op. cit.*, vol. i. p. 254.

P. 55, *n.* 9. Mackenzie, *op. cit.*, p. 220.

P. 55, *n.* 10. Monck to Newcastle, No. 43, *loc. cit.*, describes negotiations leading to formation of Taché-Macdonald Ministry.

P. 57, *n.* 11. Pope, *op. cit.*, vol. i. p. 255.

P. 57, *n.* 12. Printed in the Quebec *Chronicle* of 31st March, 1864, and a copy enclosed with Monck's despatch of the same date to Newcastle, *loc. cit.*

P. 59, *n.* 13. Cameron, *Vansittart Memoirs*, p. 110. Regarding this work of fictional history see note in bibliography.

P. 60, *n.* 14. Canada, *Journals of Assembly*, vol. xxiii. pp. 91*ff.* Brown's speech is reproduced from the newspapers in Cameron, *op. cit.*, pp. 112*ff.*, also a summary of the views of the various speakers in the debate of 14th March on the motion.

P. 61, *n.* 15. Amendment offered by J. F. Perrault of Richelieu.—*Journals of Assembly*, vol. xxiii. p. 94.

P. 62, *n.* 16. Cameron, *op. cit.*, pp. 123*f.*; *Journals of Assembly*, vol. xxiii. pp. 223*ff.* John A. Macdonald took the ground that the Government had already, in the negotiations of 1858–9, done all that was possible to have federation adopted, and that recent events in the U.S. had now made it apparent that a stronger form of union than a federation would be necessary; he therefore voted against the motion.

P. 62, *n.* 17. 18th May. Mackenzie, *op. cit.*, p. 221.

P. 63, *n.* 18. *Ibid.*, p. 222.

P. 63, *n.* 19. Cons.: John A. Macdonald, Galt, Cartier, Chapais, Street, J. H. Cameron, Turcotte, McGee; Libs.: J. S. Macdonald, Mowat, Holton, McKellar, Scoble, McDougall, Brown.—*Ibid.*, p. 85.

P. 63, *n.* 20. The incident is reported in Hammond's *Canadian Confederation and Its Leaders*, p. 45. In Canada, *Confed. Debates*, p. 26, John A. Macdonald gives a commendatory account of the committee's mode of procedure.

P. 64, *n.* 21. Mackenzie, *op. cit.*, p. 86; Gray, *Confederation*, pp. 18*f.*

P. 64, *n.* 22. Mackenzie, *loc. cit.* For diametrically opposed views as to whether or no John A. Macdonald was an eleventh-hour convert to the federation policy, see Skelton's *Galt*, p. 224, and Pope's *Correspondence of Sir John A. Macdonald*, p. 11, note.

CHAPTER VI

COALITION OPENS THE WAY OUT

Tuesday, 14th June, the Government were defeated by a majority of two, on a motion by A. A. Dorion condemning a financial transaction under a former Government when Galt had been Minister of Finance.[1] The vote was accepted as a defeat; another Ministry had failed to break the deadlock. It was obvious now that no mere party change in Government could do so. And it was unthinkable that the crisis should be allowed to go further from bad to worse, not only blocking the country's progress but endangering its very existence as a self-governing member of the British Empire. The time called for exceptional measures. A week of negotiations followed, perhaps the most critical in Canada's history, and of vital and permanent interest because the outcome made possible a federal union of British North America.

On the morning following his defeat, Sir Etienne Taché called on the Governor-General and informed him that the Government were unanimously desirous of dissolution and so advised. Some of the party, however, dissented from this proposal of the Government, and in the caucus held on that day expressed the desire that another attempt should be made to bring about a coalition.[2] Lord Monck, too, who had wished for the formation of a coalition at the time of the March crisis, earnestly counselled delay—wisely, as events proved. It seemed improbable that a new House would show a very different complexion from

the existing one, and a superfluous election would but mean an added burden of expense for the members. With no great unbridgeable issue dividing the parties, conditions were still highly favourable, Monck thought, for overcoming the unfortunate situation by means of a coalition. In fact when he presented a memorandum to the Government on Friday counselling them to seek this way out of their difficulties in preference to a dissolution, negotiations had already opened which, though aiming at first merely at co-operation, were to result in coalition. Accordingly Taché, on behalf of his colleagues, then expressed concurrence in the view of the Governor-General and assured him that the Government would "not cease in their efforts to effect the formation of an Administration" which would "obtain the confidence of Parliament and of the Country without having recourse to a dissolution." [3]

After the defeat of the Government on Tuesday night, George Brown lost no time in speaking to several of their supporters, urging that now was the time for settling the constitutional difficulties between the two sections of Canada, and promising his co-operation with any Government that would set themselves to a final settlement of the problem.[4] Chief of these Conservatives with whom he talked on that evening and the following morning was Alexander Morris, of "Nova Britannia" fame. This long-time prophet and enthusiastic advocate of British American union had entered the House in 1862, carrying with him his reputation for devotion to this cause.[5] He and John Henry Pope, member for Compton, asked if they might report the conversation to John A. Macdonald and Alexander Galt. And this, obtaining permission, they did. Meanwhile Brown's willingness

to be conciliatory had already been publicly shown in another incident. It was on Wednesday when John A. Macdonald announced that the situation had been reported to the Governor and asked that the House adjourn without any previous statement of intention from the Government. While Sandfield Macdonald, as Opposition leader, was opposed to granting the request, Brown contended that under the circumstances the Government should be allowed full opportunity to decide upon their course.[6]

As a result of Morris' message-bearing, on Thursday afternoon, just before the Speaker took the chair at three o'clock, John A. Macdonald and George Brown talked together in the centre of the space dividing the seats of the Opposition from those of the Government side of the House, greatly to the astonishment of the members, for the two men were not only political but personal enemies and for years had not been on speaking terms. To Macdonald's question if he "had any objection to meet Mr. Galt and discuss the matter," Brown's reply was, "Certainly not." [7] The Finance Minister was pre-eminently the man to represent the Government in such a discussion, in view of his earlier important advocacy of union in 1858–9, when he had gone so far as briefly to sketch a federal scheme little different from that finally adopted.

The interview, arranged by Morris, took place about one o'clock on Friday, when Macdonald and Galt called upon Brown at the St. Louis Hotel. All agreed that only by "the extreme urgency of the present crisis, and the hope of settling the sectional troubles of the province for ever," was their meeting justified. The detailed records of this and the ensuing conversations embodied in the "Ministerial Explana-

tions" read to the House a week later are further evidence of the spirit in which these old opponents met. Ready to sink personal and party differences to save the situation, they nevertheless, in the conduct of the negotiations, were under the necessity of guarding their reputations for political integrity in the most explicit way.

To the proposal on behalf of the Cabinet that he accept a seat in that body as a guarantee "to the Opposition and to the country for the earnestness of the Government," Brown objected strenuously on personal grounds and because he "conceived it highly objectionable that parties who had been so long and so strongly opposed to each other, as he and some members of the Administration had been, should enter the same Cabinet." It was, moreover, but natural for one to take this ground who only a few months before had been ready in the *Globe* to denounce as a traitor anyone who "was prepared to betray his friends, and strike hands with . . . the leader of the enemy [Cartier]." [8] If it should prove essential that some Opposition member enter the Government, he thought it had far better be another than himself. Macdonald insisted that in any case Brown should be identified with the Government in carrying out the measure agreed upon, and that if he did not enter the Cabinet, "he might undertake a mission to the Lower Provinces, or to England, or to both." It was then agreed to waive the discussion of this and similar topics until it were seen "if a satisfactory solution of the sectional difficulty could be agreed upon."

The question of how to remedy "the injustice complained of by Upper Canada" and settle the sectional trouble was not solved at once. Galt and

now Macdonald were for a federal union of all the British North American Provinces. Brown, however, in spite of the report of his committee submitted three days earlier, held that such a remedy would not be acceptable to the people of Upper Canada. "He believed that federation of all the provinces ought to come, and would come about ere long, but it had not yet been thoroughly considered by the people; and even were this otherwise, there were so many parties to be consulted, that its adoption was uncertain and remote." He still stood by his old remedy of representation by population in the Parliament of the existing Province of Canada. But Macdonald and Galt insisted that no Government could carry such a measure, and gave it as their opinion that the only basis upon which anything was likely to be settled lay in "the federation principle suggested by the report of Mr. Brown's committee." At length it was decided that a compromise might be reached "in the adoption either of the federal principle for all the British North American Provinces, as the larger question, or for Canada alone, with provisions for the admission of the Maritime Provinces and the North Western Territory, when they should express the desire." Of these alternatives, Brown thought that the Canadian federation should come first, in order to ensure to the people of Upper Canada that their interests would not be overlooked when it came to negotiations with the Lower Provinces.

It was agreed to tell the House that there was hope of reaching an understanding, and to ask for an adjournment until Monday. Macdonald did so that afternoon, stating that as a result of conference with a gentleman on the other side, the honourable

member for South Oxford (Brown), he saw a way out of the existing difficulties without a dissolution. The announcement was received with enthusiasm, and the adjournment took place amidst great excitement. Immediately after the interview, according to the telegraphic report to Brown's paper, Brown "saw the leading men of his own party and entered into full explanations with them; and the country will be glad to know," the despatch continued, "that a most hearty approval and cordial co-operation were tendered by everyone of them." [9]

The negotiations were continued on Saturday. Cartier was now present, and Sir Etienne Taché would have been but that he was out of town. At Brown's request a memorandum of the views of the Administration was drawn up that he might submit it confidentially to his friends. This was done and formally approved by the Executive Council and the Governor-General. In the memorandum [10] the Government promised to press negotiations for a confederation of all the Provinces. Failing in that, they pledged themselves to legislation to federalise the existing union and provide for the later incorporation of the Maritime Provinces and the North-West Territory. A royal commission, "composed of three members of the Government and three members of the Opposition," of whom Brown should be one, should be established to carry on the negotiations and settle the details of the promised legislation. The Administration would support this commission in its work. There should be no dissolution of Parliament until the Government had again met the present House, provided, of course, that the latter permitted the conduct of public business. After interviewing a number of his friends, Brown again met the other

negotiators at six o'clock. He had concluded that the bulk of his friends would, as a compromise, accept the second alternative proposed by the memorandum. The Government's representatives replied, however, "that the Administration could not consent to waive the larger question." "After considerable discussion an amendment to the original proposal was agreed to in the following terms, subject to the approval, on Monday, of the Cabinet and of His Excellency:—

"'The Government are prepared to pledge themselves to bring in a measure next session for the purpose of removing existing difficulties by introducing the federal principle into Canada, coupled with such provisions as will permit the Maritime Provinces and the North-West Territory to be incorporated into the same system of government.

"'And the Government will seek, by sending representatives to the Lower Provinces and to England, to secure the assent of those interests which are beyond the control of our own legislation to such a measure as may enable all British North America to be united under a General Legislature based upon the federal principle.'"

This general basis of agreement having been reached, Brown then raised the question of security for the good faith of the Government in carrying out the whole movement and for the fairness of the details, and stated that the majority of his friends felt, although he still thought otherwise, that to this end they should receive a fair representation in the Cabinet. This subject was only briefly discussed on Saturday evening, but was resumed on Monday morning, when Taché was present at the negotiations. Brown offered the opinion that as the Opposition comprised half of the House it should be given

the choosing of half of the twelve members of the Cabinet, namely, four of the six from Upper and two of the six from Lower Canada. Cartier and Galt, however, believed that in its Lower Canadian membership the Cabinet already "afforded ample guarantees for their sincerity," while it was Macdonald's opinion that for the representation of the present Government party from Upper Canada to be reduced to two in this manner would mean a loss of support in the Assembly. He was willing to see admitted to the Cabinet three gentlemen of the Opposition provided "that they would bring with them a support equal to that now enjoyed by the Government from Upper Canada." He would expect Brown to be one of these, "as affording the best, if not the only guarantee, for the adhesion of his friends," and he and Brown would confer "as to the selection of Upper Canada colleagues from both sides." To Brown's query as to what he proposed to do regarding the Upper Canada leadership, Macdonald replied that while if he stayed in the Government he must retain his position, he "would be quite ready to facilitate arrangements" by retiring from the Government, though of course he could not do so without Sir Etienne Taché's consent.

"Brown then stated that without discussing the propriety or reasonableness of the proposition, he would consult his friends, and give an early reply." Inwardly, he felt that on the big issue, for which he had fought, the recognition of the claims of Upper Canada, events were moving his way, and that night he wrote a calmly exultant letter home:

"Cartier and all his party, by the compulsion of circumstances, have been driven into the necessity of taking up the representation question openly and

vigorously. They have asked me to enter the cabinet with two friends; to conduct the negotiations with the Lower Provinces for a union of all British North America, and to conduct the negotiations in London with the Imperial Government. They agree to bring down a measure next session to apply the federative principle to Canada alone, with population as the basis of representation, and with provision for the admission of the Maritime Provinces and the great North-West gradually into the union." [11]

Tuesday morning was occupied by the negotiators in consulting their friends. At a meeting of the Upper Canada Opposition, Brown presented a statement of the negotiations with the Government and received a mandate to continue them. To the main resolution there were no adverse votes (though five refused to commit themselves). This resolution read: "That we approve of the course which has been pursued by Mr. Brown in the negotiations with the government, and that we approve of the project of a federal union of the Canadas, with provisions for its extension to the Maritime Provinces and the North-West Territory, as one basis on which the constitutional difficulties now existing could be settled." By more than two-thirds majority it was also resolved: "That the proposition for at least three members of the opposition entering the government be accepted." And with only three adverse votes the meeting put itself on record: "That it is all important that Mr. Brown should be one of the 'party' to enter the cabinet." [12] In the ministerial caucus held on the same afternoon there was expressed "a unanimous feeling . . . in favour of sustaining the Ministry in the course they had taken." [13]

In the afternoon the negotiators, Taché, Mac-

donald, Cartier, Galt, and Brown, met again, and Brown, Macdonald, and Cartier reported that they had received satisfactory assurances from their friends. Brown stated that he still entertained "the strongest repugnance to accepting office," and must consider further what course he should pursue. In the evening they discussed details in case Brown and his friends should accept office. Macdonald stood firmly by his position that equality of party representation from Upper Canada must be maintained, and that therefore no more than three Opposition members of the Cabinet were possible. He assured Brown, too, that the latter's acceptance of a Cabinet position was a *sine qua non*.

The final meeting took place on the following day, Wednesday, 22nd June, 1864, shortly after one o'clock. Brown then gave his consent to the proposed reconstruction of the Cabinet, but preferred that it be postponed until after the prorogation of Parliament "as he did not wish to assume the responsibility of the Government business before the House." To this Taché and Macdonald agreed.

At the session of that day Macdonald reported to the House upon the situation, reading the "Ministerial Explanations" which have been quoted in the foregoing account. When he was done Cartier read a French version of the same document.[14] In the brief discussion that followed, Brown spoke in further explanation and justification of his own action. He realised, he said, the anomaly of allying himself with men whom he had opposed as he had opposed some of the members of the present Government. Had the circumstances under which the country was placed been less important than they were, he would "not have approached hon. gentlemen opposite

to negotiate with reference to the present difficulties." He had long stated that he was prepared, as far as he was concerned, "to join any man, no matter to what party he belonged, with the object of effecting a settlement of those great questions" which had so long divided the country. Only the urgency of the case, and the "manful way" in which the question had been taken up by Cartier and his colleagues, had induced him to follow his present course. He regretted exceedingly the political break which his action involved with his party friends in Lower Canada, some of whom, like Dorion and Holton, were close personal friends as well. "Can any hon. gentleman," he asked, "think it is any pleasure or joy to me to sit in the Government with hon. gentlemen opposite, and oppose my old friends? Nothing but the strongest sense of duty would ever place me in such a position. I have struggled to avoid entering the Government . . . but they would not consent." He pleaded with his Lower Canadian friends to "try to rise superior to the pettiness of mere party politics, and take up the question as it should be considered," to wait until a measure was brought down and not to condemn the new régime without giving it a chance at least to prove the honesty of its intentions. He felt himself entitled to the sympathy of his fellow-oppositionists in his present position. He had no fear as to the result when the measure contemplated was properly understood and when the sincerity of the parties to the negotiations, of which, he assured his hearers, he was perfectly satisfied, was justly appreciated. "If," he concluded, "I have no other success to boast of during my political career than that which has attended me in bringing about the formation of a

Government, with the strength which no other Government has possessed for many years—a Government formed for the purpose of settling the sectional difficulties between Upper and Lower Canada, I feel that I have something to be proud of, and that I have accomplished some good for the country. I wish no greater honour for my children, no more noble heirloom to transmit to my descendants, than the record of the part I have taken in this great work."[15]

Nevertheless, Brown confessed to a member of his family a few weeks later that "going into the government" had been "a bitter pill to swallow . . . and nothing but a sense of duty could have forced" him into it. By that time he was gratified, however, that the public, not only in Canada but in the United States and Britain, had given him full credit for patriotic motives. And all fear, he wrote, of the compact not being carried out in good faith had pretty well passed from his mind.[16]

In the course of the debate the question was raised by L. H. Holton as to what was meant by the expression in the "Explanations": "according to the well understood principles of Federal Government." Was it meant that representation in a federal legislature would be according to population? In other words, was the proposal merely camouflaged "Rep. by Pop."? The replies of Cartier and John A. Macdonald, as reported in the Toronto *Globe*, may well be quoted. "Mr. Cartier said [that] the honourable gentleman knew quite well what was meant by the 'principles of Federal Government,' and so did his colleague Mr. Dorion, who had several times moved resolutions in favour of the federative system. The details had not been arranged, but he conceived that the principle of federation involved equality in one

branch, and that both population and territory should be taken into account in the other branch." Surely, said John A. Macdonald, Dorion "did not need to be informed what 'the well-understood principles of federal government' were. They were exemplified on this continent. The Attorney-General East (Cartier), however, had properly guarded himself, for he and the member for South Oxford (Brown), and himself (Attorney-General Macdonald), were all equally opposed to making the assertion of representation by population as equivalent to universal suffrage." A little later the speaker went on "to say that in the lower branch of the General Legislature there would be representation based upon population, with the necessary checks required by the interests of property, as provided under the present constitution of this House, where we had representation not according to population, but according to certain rights and territorial divisions." [17]

Further light is thrown upon the influences that induced Brown to enter the detested path of coalition in a letter home, dated 23rd June:

"My negotiations with the Government were successfully closed on Monday night. On Tuesday I called a meeting of the Upper Canada liberals, and submitted what I had done . . . my course was sustained almost unanimously . . . the meeting passed a resolution urging me to go into the government, but that did not influence me wholly; private letters from many quarters did something more, and the extreme urgency of the Governor-General did still more. His Excellency sent a very kind letter, urging me to go in. . . . The thing that finally determined me was the fact, ascertained by Mowat and myself, that unless we went in the whole effort for consti-

tutional changes would break down, and the enormous advantages gained by our negotiations probably be lost. . . . We consented with great reluctance, but there was no help for it; and it was such a temptation to have possibly the power of settling the sectional troubles of Canada for ever. . . . In short, the whole movement is a grand success, and I really believe will have an immense influence on the future destinies of Canada."[18]

Lord Monck, as Brown recognises in this letter, exerted considerable influence towards the formation of the coalition, though the Governor-General possibly went a little far in his despatch to the Colonial Secretary when he credited the result of the negotiations to the fact that during their progress he had "had constant interviews with gentlemen representing the different parties in Canadian politics."[19] Undoubtedly, however, his influence as a mediator was a highly important even if not an altogether decisive factor in the situation.[20]

If the coalition agreement compromised Brown in the eyes of some of his former political friends, not only in Lower Canada but to some extent in Upper Canada as well,[21] it created an even more difficult position for Cartier. The leader of the majority of French-Canadians, he had been their champion for years in the defence of their peculiar rights against the attacks of Upper Canadians of the Brown and *Globe* school. His entrance into an alliance with the arch-enemy of French-Catholic interests in Canada therefore had a particularly compromising appearance; it seemed to most of his people to involve a surrender of their treasured rights. Very possibly if a general election had come in that summer the Rouge leader, Dorion, could have overwhelmed him.

But Cartier was not a full-blooded democrat of the modern relentlessly logical self-deterministic type—at any rate he believed it the statesman's high duty to lead rather than merely to follow public opinion. There was not to be an election that summer, and before public opinion should thus have voice he would win it to the support of his policy.[22]

Macdonald's position was considerably easier. Already in alliance with Cartier, he had nothing to fear from the Lower Canada majority party, while his own followers in Upper Canada were by this time practically as convinced as Brown's of the need of constitutional reform. They required, however, a good deal of argument to bring them to view with complacency the addition of Brown to the Cabinet. On 30th June Parliament was prorogued, and the same day the names of the new Ministers were announced in the *Gazette*: George Brown as President of the Council, Oliver Mowat as Postmaster-General, and William McDougall as Provincial Secretary. The first two were promptly re-elected by acclamation, but McDougall had to face a contest in his constituency of North Ontario County, where a Conservative, M. C. Cameron, succeeded in defeating him in spite of the fact that Macdonald gave his new colleague his full support. To one prominent Conservative in the riding who asked whether he should support the coalition candidate, Macdonald wrote:

"It is the sincere desire of the Conservative section of the Cabinet to secure the return of their colleague, the Hon. Wm. McDougall. They unitedly, and I individually, will feel much obliged by your interesting yourself actively in his behalf. The recent coalition, although a strong measure, was one imperatively called for to relieve Canada from deadlock—

the virtual anarchy that the equality of parties had produced. A new election would not have greatly mended matters, and would have left the sectional difficulty (which threatened to become of the most formidable dimensions) unsettled as before.

"The leaders on both sides of the House became alarmed at the perilous state of affairs, and thought they would not be guiltless if party resentments or individual ambitions should prevent them from joining together for the common good, or rather for the cure of the growing evil.

"Under these circumstances, you will see that it is all important that the Reform section of the Government should be elected for the purpose of carrying out this great object." [23]

After some difficulty Macdonald, set upon making the coalition a success, found another seat for the defeated Minister in North Lanark, whence he was returned by acclamation. The Conservative leader's persuasiveness had failed of its purpose in North Ontario, but during the months that followed, his unique powers in the handling of men were employed with great effectiveness to further the ends for which the coalition existed. Until the constitutional question could be attacked, he kept the energetic Brown happily occupied with a number of missions. Then, as soon as the new Ministers were all re-elected, the Government, Macdonald's biographer tells us, "diligently applied themselves to the great object of the coalition." [24]

NOTES TO CHAPTER VI

P. 66, *n.* 1. See Skelton's *Galt*, pp. 359*f.*

P. 66, *n.* 2. Toronto *Globe*, 16th June, 1864. The caucus was held in John A. Macdonald's office.

P. 67, *n.* 3. Monck reported on the formation of the coalition in his despatch to Cardwell, No. 97, 30th June, 1864, Canadian Archives, *G* 465, pp. 125*ff.* Drafts of the enclosures, including his memorandum to the Government and Taché's reply, are in Canadian Archives, *G* 215, pp. 239*ff.*

P. 67, *n.* 4. The official story of the negotiations is found in the "Ministerial Explanations" read to the House by Macdonald, 22nd June, 1864. One of the original printed copies is among the enclosures in Monck's despatch. The document is printed in full in Pope, *Memoirs of Sir John A. Macdonald*, vol. i. pp. 344*ff.*, and in Gray, *Confederation*, pp. 20*ff.*

P. 67, *n.* 5. Morris, *Nova Britannia*, p. viii. John Charles Dent, the anonymous editor of this book of Morris's speeches, implies, p. 99, that this interview with Brown was of Morris's seeking. James Ferrier of Montreal, however, stated in the Legislative Council in February 1865 (Canada, *Confed. Debates*, p. 194) that Brown was the first to declare what he was ready to do. Morris informed Ferrier one evening what Brown had proposed, and Ferrier recommended him to communicate it at once to the leading members of the Government and accompanied him to one of them, when Morris, having told what Brown had communicated to him, "was authorised to make an arrangement for the other members of the Government to meet."

P. 68, *n.* 6. Cameron, *op. cit.*, p. 126.

P. 68, *n.* 7. "Ministerial Explanations," *loc. cit.* Quotations in the following account of the negotiations are from this document unless otherwise noted.

P. 69, *n.* 8. In the *Globe* of 16th April, when Sandfield Macdonald had been trying to strengthen his tottering administration by suggesting a coalition.

P. 71, *n.* 9. Toronto *Globe*, 17th June, 1864.

P. 71, *n.* 10. Text given in "Ministerial Explanations," *loc. cit.*

P. 74, *n.* 11. Mackenzie, *op. cit.*, p. 223.

P. 74, *n.* 12. Toronto *Globe*, 22nd June, 1864. Thirty-four voted in favour of the first resolution, five refusing to vote. On the second the vote was twenty-six to eleven, one not voting. Much of the report is in Mackenzie, *op. cit.*, pp. 88*ff.*

P. 74, *n.* 13. Toronto *Globe*, 22nd June, 1864.

P. 75, *n.* 14. *Ibid.*, 23rd June, 1864.

P. 77, *n.* 15. The discussion is fully reported in the Toronto *Globe* of 23rd, 24th, and 28th June, 1864.

P. 77, *n.* 16. Letter dated Quebec, 8th August, 1864, in Mackenzie, *op. cit.*, p. 226.

P. 78, *n.* 17. Toronto *Globe*, 23rd June, 1864.

P. 79, *n.* 18. Mackenzie, *op. cit.*, p. 223.

P. 79, *n.* 19. Monck to Cardwell, No. 97, 30th June, 1864, *loc. cit.* Mackenzie, *op. cit.*, p. 96, credits Monck with exercising great influence

in favour of federation, and prints his letter of 21st June, 1864, to Brown. *Cf.* Lewis, *George Brown*, pp. 157*f*.

P. 79, *n.* 20. See Trotter, "Lord Monck and the Great Coalition of 1864," *Canadian Historical Review*, June 1922, pp. 181*ff*.

P. 79, *n.* 21. Mackenzie, Brown's lieutenant, states that he himself never concurred in the wisdom of Brown entering the Coalition Government.—*Op. cit.*, p. 95.

P. 80, *n.* 22. On Cartier's part in the movement see Boyd's *Cartier*, especially chapter x. *passim*.

P. 81, *n.* 23. A variety of interesting correspondence relating to this election is printed in Pope, *Memoirs of Sir John A. Macdonald*, vol. i. pp. 260*ff*. The extract quoted above is from a letter to Thomas Pyne, Newmarket, dated Kingston, 16th July, 1864.

P. 81, *n.* 24. *Ibid.*, vol. i. pp. 265*ff*.

CHAPTER VII

CANADA AND THE MARITIME PROVINCES SHAKE HANDS

THE year 1864 was the great "get-together" year in the political development of British North America. The leading men in the responsible governments of the several Provinces met in conference in September at Charlottetown, the capital of Prince Edward Island, and in October at that more ancient capital on the St. Lawrence, the old French city of Quebec. Besides the formal deliberations of these assemblages, there was much intercourse of a more popular and even sometimes jovial sort at the public banquets tendered in various towns of the Maritime Provinces to delegations from Canada, and later, in the cities along the St. Lawrence and north of the Great Lakes, to the visitors from the distant and dimly known little lands by the Atlantic. In years gone by there had been an occasional interprovincial conference to consider some special matter of common interest, such particularly as the postal conference of 1847 and the later railway conferences, but never before had there been so wholesale an introduction of the Provinces to one another. This was the first personal contact for many of the leaders, even such outstanding figures as John A. Macdonald and Charles Tupper,[1] the two men who were soon, in close co-operation, to pilot the launched scheme of federation through the shoals of indifference and the reefs of opposition in their respective Provinces.

Notable accomplishment was the result of these conferences of 1864: a scheme of federation was formulated in detail, a scheme that underwent only minor alterations before its final adoption as the constitution of a federated Dominion. The "getting together" of 1864 resulted in more, however, than the mere drafting of the "Quebec Resolutions"; the mutual acquaintance and understanding that were brought about helped enormously thereafter in securing the acceptance of the project. A remark made by George Brown in the Parliament of his Province when the scheme was under consideration there in the following winter shows that he, for one, recognised this fact. "Many of us have learned," he said, "since we last met here, far more of the Maritime Provinces than we ever did before. We have visited the Maritime Provinces—we have seen the country—we have met the people and marked their intelligence and their industry and their frugality—we have investigated their public affairs and found them satisfactory—we have discussed terms of union with their statesmen and found that no insuperable obstacle to union exists, and no necessity for long delay." [2]

The first of the year's formal conferences, that at Charlottetown, did not meet until September, but it was the result of action initiated early in the year, in Nova Scotia, by Dr. Charles Tupper, now the head of the Conservative Government there. Like his former chief, James W. Johnstone, Tupper believed in provincial union. His St. John and Portland lectures of 1860, delivered while he was in the Opposition, had done much to popularise the idea. On his accession to the premiership he was eager to promote its realisation. A union of all the Provinces seemed impracticable, and he accordingly fell back upon the

less ambitious project of bringing together the three little Provinces by the sea. In March and April of 1864, he introduced and carried in the Nova Scotia Legislature a resolution in favour of a conference to discuss a legislative union of the Maritime Provinces.[3] He explains in his *Recollections* that he "regarded it as a step in the direction of a wider union, in the way of which insuperable difficulties then existed."[4]

At Tupper's suggestion, and through the instrumentality respectively of Samuel Leonard Tilley, Premier and Provincial Secretary of New Brunswick, and of William Henry Pope, Colonial Secretary of Prince Edward Island, practically identical resolutions were carried at about the same time in the legislatures of those two Provinces. Thus, by the representatives of the people in each of the three colonies it was resolved that their respective Governments should appoint delegates to consider the union of the three Provinces "under one Government and Legislature," such union, however, to take effect only when confirmed by the several legislatures and approved by the British Government.[5] Local party issues were absent from the discussion of this resolution, though there was some dissatisfaction, especially in Prince Edward Island, that the union proposed in the resolution was of so close a type.[6]

Thereafter, and before the Charlottetown Conference met in September, there were important and rapid developments that led ultimately to the substitution of a comprehensive scheme for the union of all the colonies in place of the narrower project. For, if the Maritime Provinces were from choice taking steps in the direction of a new and inclusive political organisation, Canada was being whipped by relentless circumstances towards a similar goal. And so urgent

was the crisis there that it brought opposing leaders together in the great coalition of 1864.

It will be recalled that in the official memorandum stating the object of the coalition the larger ideal of a union of all British North America gave precedence to the lesser proposal for a federation of the two Canadas. The phrasing of the latter alternative, however, recognised the desirability of a realisation, some day, of the more ambitious project. And now events favoured an immediate exploration of the possibilities of union with the Provinces by the sea. The Canadians having heard of the resolution passed in the Maritime legislatures in the spring, in favour of holding a conference to discuss the expediency of Maritime union, felt that the occasion of this conference might well afford a favourable opportunity for broaching the larger question. In the course of the debate in the House on 22nd June upon the "Ministerial Explanations" concerning the formation of the coalition, Dorion raised the question "as to whether a Federation of all the Provinces or of Canada alone would be prosecuted first." The reply was "that the Government intended to be represented at the approaching convention at Charlottetown, Prince Edward Island, with a view to promoting the federation of all the Provinces, but a measure for the federation of the Canadas would be positively submitted next session if the other objects could not be attained in the meantime." [7]

As early as 30th June, Lord Monck, at the request of the Canadian Cabinet, wrote to the governors of the three Provinces asking for information as to the time and place for the meeting of the conference, and also whether it would be acceptable to their Governments to receive a delegation from the

Government of Canada, "to ascertain whether the proposed Union may not be made to embrace the whole of the British North American Provinces." No action had yet been taken since the passage of the authorising resolutions. Now, however, the Government of Nova Scotia took advantage of the occasion offered by the enquiry from Canada to revive the subject, and suggested to the Governments of New Brunswick and Prince Edward Island the expediency of appointing delegates. The Nova Scotian Government also responded favourably to the enquiry by stating that they would be glad to confer with any delegates sent from Canada, but that they had no authority to go beyond the resolution relating to the appointment of delegates to consider Maritime union. In the course of the following weeks it was arranged that the conference should meet at Charlottetown, Prince Edward Island, on 1st September, and that an informal delegation from the Canadian Government would be made welcome at that meeting, although none of the Maritime Province delegates was authorised to take official action on any wider proposal than a union of the three smaller Provinces.[8]

Meanwhile, in August, a large number of Canadians enjoyed an excursion to the Lower Provinces. As this excursion had wide-reaching influence in forwarding the British-American "getting together" of 1864, it is of interest to know how it was brought about. At the bottom of the scheme were Sandford Fleming, the engineer for the projected intercolonial railway, and D'Arcy McGee, the oratorical advocate and exponent, in season and out of season, of the idea of British-American union. The two men, with these vitally related interests, had become well acquainted at Quebec. In a conversation there

about the time the Coalition Government was formed,[9] McGee voiced his impatience with the indifference of many of the people in Nova Scotia and New Brunswick to his pet project, upon which he had lectured in those Provinces in the summer of the previous year.[10] Fleming thought that the great obstacle to union was the fact that the people of the Upper and Lower Provinces did not know one another, for he had found in the latter great ignorance of Canada, and questioned whether there was not a corresponding ignorance in the majority of Canadians. This circumstance he ascribed to the fact that between them there was little communication and practically no commerce. With this diagnosis of the situation McGee agreed. Fleming thereupon said that it would be well if Canadian leaders and press representatives would go down and get into personal touch with the people of the Maritime Provinces. He was going down in a few days and offered to try to arrange it at that end. McGee on his part agreed to fix things in Canada as soon as he should hear from Fleming.[11]

The railway man, as he tells it himself, interviewed Tupper at Halifax. The latter liked the idea, but saw no way of extending an invitation at the moment because there seemed to be no event which would serve as a pretext. Fleming went to St. John. The Board of Trade there at once wired an invitation to the members of the Canadian Legislature to visit St. John as soon as the session closed. The next day Fleming returned to Halifax, and Tupper then was able to see to it that the Halifax Board of Trade followed suit.

Arrangements for the trip were soon satisfactorily completed. Later, McGee publicly gave credit for

rendering the excursion practicable to two gentlemen representing the Grand Trunk Railway, James Ferrier, of the Legislative Council, and C. J. Brydges, general manager of the railway.[12] These men arranged for the transportation of the party by rail to Portland, Maine, and thence, on 4th August, by boat, the usual route at that time, inconvenient and circuitous as it was, for travel between Canada and the Maritime Provinces.

McGee was unable to procure the Canadian Legislature's acceptance of the invitation as a body, but the leaders would soon be going down anyway for the Charlottetown Conference, and a good many of the other members now went as individuals. He went himself, being the most prominent member who was present.[13] All told, some forty members of the Assembly, twenty-five members of the Legislative Council, and forty others, mostly representatives of Canadian papers, availed themselves of the invitation.[14] At Eastport, Maine, Premier Tilley of New Brunswick joined the party. The welcome given the visitors was everywhere cordial. There were banquets at St. John and Halifax, and all the while the idea of the proposed union of the Provinces was kept in the foreground. Though some of the people were, to say the least, apathetic in their reception of that idea, yet most of the leading men were enthusiastic towards the general proposition.[15] The originators of the excursion had good reason to feel well repaid for their efforts. The public of the different Provinces were brought to realise as never before the largeness of their common interests. Undoubtedly, as Fleming afterwards said, "this social visit eventually had not a little to do with the successful outcome of the negotiations for Confederation."[16]

P. 84, *n.* 1. Pope, *Memoirs of Sir John A. Macdonald*, vol. i. p. 271.
P. 85, *n.* 2. Canada, *Confed. Debates*, p. 97.
P. 86, *n.* 3. Agreed to by the Assembly 29th March and by the Council a fortnight later.—N.S., *Journal of Assembly*, 1864, pp. 87, 116.
P. 86, *n.* 4. *Recollections*, p. 39.
P. 86, *n.* 5. The correspondence, begun by N.S., 8th February, 1864, and containing the several resolutions, is Appendix No. 24 of the N.S. *Journal of Assembly*, 1864.
P. 86, *n.* 6. Whelan, *Union of the British Provinces*, p. 4; *Year-Book and Almanac of B.N.A. for* 1868, p. 15.
P. 87, *n.* 7. Toronto *Globe*, 23rd June, 1864.
P. 88, *n.* 8. The correspondence is printed in N.S., *Journal of Assembly*, 1865, Appendix 3. Monck's report upon it is in his despatch to Cardwell, No. 124, 26th August, 1864, Canadian Archives, *G* 465.
P. 89, *n.* 9. Canada, *Confed. Debates*, p. 135.
P. 89, *n.* 10. These lectures are printed in McGee's *Speeches and Addresses on British-American Union*, pp. 56*ff.* In regard to them *cf.* Cameron's *Vansittart Memoirs*, p. 101.
P. 89, *n.* 11. Fleming's own account of this conversation and of his negotiations in N.S. and N.B. to secure the carrying out of the plan is in Burpee, *Sandford Fleming*, pp. 90*ff.*
P. 90, *n.* 12. McGee gave his account of the excursion in the great debate of 1865.—Canada, *Confed. Debates*, p. 135.
P. 90, *n.* 13. Toronto *Globe*, 21st June, 1864; Toronto *Leader*, 17th August, 1864.
P. 90, *n.* 14. These are McGee's figures. Cameron, *op. cit.*, p. 136, gives figures for members of Assembly and Council respectively as thirty-three and eighteen.
P. 90, *n.* 15. Toronto *Leader*, particularly of 16th August, 1864.
P. 90, *n.* 16. Burpee, *loc. cit.*

CHAPTER VIII

THE "FATHERS OF CONFEDERATION" IN CONFERENCE

ONLY one course could justify the existence of Canada's Coalition Government to the public or to the members of the Ministry themselves, and that was a prompt and strenuous attack upon the constitutional problem, to which, therefore, serious attention was given as soon as possible after the necessary ministerial by-elections had been held. Rather than postpone consideration of the question until there could be conference with the Maritime Province delegates at Charlottetown, the Canadian Government, in preparation for that meeting, devoted the best part of a week to a Cabinet discussion of the issues involved. Brown, as President of the Council, presided over these deliberations; and on 26th August he wrote home:

"We have been hard at work with our constitutional discussion for two days, and everything goes as well as we could possibly hope for. I do believe we will succeed. The discussion of today lasted from 12 o'clock till 5.45, and from first to last it was highly interesting, most deeply interesting. For perhaps the first time in my political life I indulged in a regular chuckle of gratified pride (no higher sentiment) at the thought of my presiding over such a discussion by such men, there not being one man at the table who had not openly derided the idea of such a scene ever occurring in our lifetime. I could

not help recalling many furious scenes in which several of those around me had bitterly denounced me for even proposing the consideration of the very subject they were then engaged in settling under my presidency! It will be an immense thing if we accomplish it. I don't believe any of us appreciate in its true importance the immensity of the work we are engaged in. But there is one thing peculiar about our position. There is no other instance on record of a colony peacefully remodelling its own constitution, such changes have been always the work of the parent state and not of the colonists themselves. Canada is rightly setting the example of a new and better state of things."[1]

How far discussion in the Executive Council at Quebec reached at this time we do not know. But whatever the scope of any informal understanding now arrived at, the formal record concluding the official deliberations at this juncture was merely a very simple minute of Council adopted 29th August. This expressed concurrence with the opinion given in the despatches of the lieutenant-governors that the proposed meeting at Charlottetown must necessarily be informal, but considered that it would result in "very great advantage" through the opportunity "thus afforded of considering the practicability of uniting, under one Government, the respective provinces." Should there develop a reasonable prospect of such a union being practicable, it would "then be possible to proceed to a more formal conference and to place before the Imperial Government such a general outline of the policy proposed" as might "enable Her Majesty's Ministers to determine whether the interests of the Empire" would "be promoted thereby, and of giving the sanction of the Queen to

the future negotiations on the subject." It was accordingly provided that such members of the Executive Council as could "conveniently be spared from their official duties at Quebec, should be authorized to proceed to Charlottetown, for the purpose of conferring informally with the representatives from the Maritime Provinces." [2] Another minute of the same day authorised a warrant of $1000 to defray the delegates' expenses, the outlay to be charged against unforeseen expenses of government.[3]

A telegram was sent to announce their coming, and the delegates set off for Charlottetown in the Government steamer *Queen Victoria*.[4] The members of the Coalition Cabinet who comprised this mission were: John A. Macdonald, Georges E. Cartier, George Brown, Alexander T. Galt, William McDougall, D'Arcy McGee, and two gentlemen whose names have not been previously mentioned herein, Alexander Campbell, Commissioner of Crown Lands, a former law partner of Macdonald, and Hector L. Langevin, Solicitor-General of Lower Canada, a lieutenant of Cartier.[5]

Meanwhile arrangements for the conference at the Prince Edward Island capital had been going on apace in the Maritime Provinces. Just as in the treatment of the resolutions calling for the meeting there had been no party division, so now the appointment of delegates by the three Governments was carried out on a non-partisan basis.[6]

The first man invited to attend on behalf of Nova Scotia was Joseph Howe, because, Tupper tells us, "I valued the strength of his influence."[7] That influence was rightly held at high worth, for Howe had been Nova Scotia's great Liberal leader for a generation; he was the "tribune of the people" who had wrested responsible government for his Province

from the reluctant grasp of an aristocratic local oligarchy and a Downing Street that was but slowly converted to an acceptance of the principle of real colonial autonomy. No wonder Tupper desired his alliance on this occasion. But the gods had decreed otherwise. In 1863 Howe had obtained the desire of his heart, an appointment in the Imperial service, and now he was occupied in cruising along the North Atlantic coast, engaged as a fishery commissioner under the Reciprocity Treaty of 1854 in designating and delimiting, in co-operation with an American commissioner, the places reserved by the treaty from the common use of fishermen of the two countries. Busy with this work, he felt unable to accede to the request of his old political rival. In view of his later strenuous battle against federation, the correspondence between the two men regarding the Charlottetown Conference is worthy of reproduction here. The letters were exchanged at Halifax on 16th August, 1864. Tupper wrote:

"My dear Sir, I have the pleasure of informing you that your name has been this morning submitted by the Executive Council to His Excellency the Lieutenant Governor as one of the Delegates to the Conference upon the Union of the Maritime Provinces and I am instructed by His Excellency to enquire if you will accept that office and attend the meeting of Delegates at Charlottetown on the 1st of September. I remain, Yours faithfully,

"(Sgd.) C. Tupper."

From H.M.S. *Lily* in the harbour Howe sent the following reply:

"My dear Sir, I am sorry for many reasons to be compelled to decline participation in the Conference

at Charlottetown. The season is so far advanced that I find my summer's work would be so seriously deranged by the visit to Prince Edward Island, that without permission from the Foreign Office I would scarcely be justified in consulting my own feelings at the expense of the public service.

"I shall be home in October and will be very happy to co-operate in carrying out any measure upon which the Conference shall agree. Very truly yours,

"(Sgd.) JOSEPH HOWE." [8]

Apparently, at this time, Howe was in favour of a union, at least of the Maritime Provinces, and believed that any generally accepted scheme for that purpose would be desirable, and was willing, moreover, to work for its adoption. In a speech at Halifax on 13th August, three days before this exchange of notes, at a dinner to the excursionists from Canada, he spoke enthusiastically in favour of a United British America.[9] Regarding the validity of his expressed reason for declining appointment as a delegate to Charlottetown, it should be said that the decision subsequently given by Earl Russell, to whom as Foreign Secretary the commissioner was responsible, was against the latter's abandonment for such a purpose of his duties under the treaty.[10]

In default of Howe, the Liberal party was represented on Nova Scotia's delegation by Adams G. Archibald, Howe's successor as leader of the Opposition, and, at Archibald's suggestion after the work had been declined by John Locke,[11] member of the Assembly for Shelburne County, by Jonathan McCully, Liberal leader in the Legislative Council. The delegates chosen from the Conservative party, besides Tupper, were William A. Henry, Attorney-General,

and R. B. Dickey, a member, as McCully was, of the Upper House.

Similar impartiality was shown in the choice of delegates from the other Provinces. New Brunswick sent her Premier, Samuel L. Tilley, who was also Provincial Secretary, John M. Johnson, Attorney-General, William H. Steeves, another member of the Executive Council, E. B. Chandler of the Legislative Council, and Lieut.-Colonel John Hamilton Gray of the Assembly.

The Prince Edward Island delegates were: Colonel John Hamilton Gray, Premier and President of the Executive Council, Edward Palmer, Attorney-General, William H. Pope, Colonial Secretary, A. A. Macdonald of the Legislative Council, and George Coles of the Assembly.

At the appointed time, 1st September, 1864, the representatives of the three Maritime Provinces gathered in Charlottetown, but upon receiving word that the Canadian Government were really sending a delegation to confer with them, they adjourned until it should arrive. When they had welcomed the Canadians, the latter soon convinced them that a union of all the Provinces was well worth considering, for the newcomers, given the floor for two days, emphasised the advantages that such a union as they proposed in outline would offer, not only to these small Provinces but to their statesmen, who would find opened before them a much larger sphere for their abilities.[12]

Under the chairmanship of Colonel Gray (of P.E.I.) there was what Tupper later described as "free and frank discussion of the subject." [13] Upon various matters tentative agreement was reached, such as: that population should form the basis of

the representation in the Lower House of the federal Parliament, and that the Upper House should consist of an equal number of members from each of the three regions: Upper Canada, Lower Canada, and the Maritime Provinces as a whole.[14] While discussion of other important subjects led to less conclusive results at this time, nevertheless so much progress was made in discussing the proposals of the Canadians "that it was thought desirable by the Conference that the subject should be resumed in a formal and official manner under the authority of the Governments of the several Provinces." Accordingly the Canadian Government decided to invite the others to send delegates to a conference and adopted a minute of Council, 23rd September, to the effect "that the several Governments of Nova Scotia, New Brunswick, Prince Edward's Island and Newfoundland, be invited to appoint delegates, under the authority of the Despatch of the Secretary for the Colonies to the Lieutenant Governor of Nova Scotia, dated 6th July, 1862," in which Newcastle had suggested the appropriateness of such a method of approaching the subject of uniting the Provinces. Quebec was selected as the place, and 10th October as the time for the meeting, as it had been ascertained that such would "meet the views and convenience of the several Governments." [15]

The secrecy that veiled the deliberations at Charlottetown doubtless facilitated freedom of discussion, and was necessary for successful agreement, but it had two unfortunate results. In the first place, we know almost nothing, specifically, of the course of the discussion, for the press reports, which would have served as a tolerable substitute in the absence of official records of the debate, could of course not

be made at all, and J. H. Gray's account in his *Confederation* fills little more than a page.[16] In the second place, the newspaper-men did not all take kindly their exclusion from the meetings. The St. John *Globe* was unable to hide its pique. A few days after the conference closed, that paper announced that it would not be surprised if "the federation meeting at Charlottetown" should result in a "great fizzle." "The doings," it went on, "of any convention or association that meets nowadays with closed doors rarely amount to anything in so far as they affect the public. The members of the convention made a great mistake in not inviting the press to attend their deliberations. They could have had very little to say that the public ought not to hear." [17] It was unfortunate for the union cause in the Maritime Provinces in the next few years that any antagonisms of this sort should have been aroused at the outset. The secrecy here, and later at Quebec, necessary as it was if agreement among the delegates was to be reached, none the less allowed the enemies of the project to be the first to get in their arguments with the people, and, still worse, to do so on the basis of distorting the aims of the unionists.

The conference adjourned at Charlottetown on 7th September to meet at Halifax on the 10th. Thence it adjourned on the 12th to meet at St. John on the 16th, when it was decided to adjourn until after the Quebec Conference should have "formally discussed the larger question in all its bearings."[18] At Charlottetown, Halifax, and St. John there were banquets with speech-making, where general arguments for union were advanced and toasts drunk to its success. Macdonald, Cartier, Brown, Galt, McGee, and others spoke upon these occasions.[19]

Macdonald may in the first instance have taken up the proposition as an expedient forced upon him by the vicissitudes of party politics, but at any rate, now that British-American union was beginning to appear feasible, his receptive mind was seized by the largeness of the idea.[20] At the Charlottetown banquet he prophesied that union would make British North America "at least the fourth nation on the face of the globe," [21] a statement less grandiloquent then than it appears now, for as yet Italy and Germany were geographical expressions, while the only nations whose mercantile marines would not be outclassed by the combined fleets of the Provinces were Great Britain, the United States, and France. "The question of colonial union," he said at Halifax, "is one of such magnitude that it dwarfs every other question on this portion of the continent. It absorbs every idea as far as I am concerned. For twenty long years I have been dragging myself through the dreary waste of colonial politics. I thought there was no end, nothing worthy of ambition, but now I see something which is well worthy of all I have suffered in the cause of my little country. . . . There may be obstructions, local prejudices may arise, disputes may occur, local jealousies may intervene, but it matters not—the wheel is now revolving and we are only the fly on the wheel; we cannot delay it—the union of the colonies of British America under the Sovereign is a fixed fact." [22] And he emphasised, as was his wont, the need of a strong central government for the new political organism.

When the time came a steamer was sent to the Maritime Provinces to convey their delegates to Quebec as guests of Canada. In due course at the historic old capital on the St. Lawrence there gath-

ered representatives from Nova Scotia, New Brunswick, Prince Edward Island, and also Newfoundland, and on 10th October, 1864, the Quebec Conference, comprising these representatives and the full Canadian Cabinet, began its epoch-making deliberations.[23]

The Canadian Ministers had proposed at Charlottetown that they should submit a federation scheme in all its details at the approaching conference at Quebec.[24] In the intervening weeks, accordingly, they had continued their work upon the problem. In order to sound public opinion in regard to the project, and elicit any helpful criticism that might be forthcoming, a sketch of the scheme as proposed at Charlottetown was published unofficially in the papers towards the end of September.[25] Even after the full conference had convened, the Canadian Ministers continued to meet by themselves as occasion permitted in order further to thrash out details for presentation to the larger body.[26]

Judging from results and from Galt's prominent position in the coalition it is probable that his scheme, confidentially outlined for the British Government six years before, formed a basis for the deliberations of his colleagues.[27] At any rate Galt, in view of his long and important advocacy of the project, must have had a large share in the task which the Coalition Government had taken in hand. Doubtless most if not all of the Ministers were active in the deliberations, but there is not much evidence on which to apportion with certainty the responsibility for the actual phrasing of the resolutions presented to the conference. Oliver Mowat, whose later influence upon constitutional developments after the establishment of the Dominion was to be unique, was soon generally known to have had an important share in the preparation of the federation project.[28] Published evidence to

that effect is corroborated by a story narrated to the author by Mr. William Smith of the Canadian Archives. Mr. Smith was told many times by Mowat's secretary that the latter's employer was the author of numerous clauses in the Quebec scheme, some of which were dictated to him by Mowat at odd moments, as, for example, on coming in after a walk when he had been pondering over the constitutional formulas required to meet the situation. It was only a short time that John A. Macdonald had been an eager advocate of union, but his genius as a reconciler of diverse views combined with his leading place in the Government to give him a prominent share in the shaping of the resolutions. It was publicly reported that fifty of the seventy-two resolutions adopted by the conference at Quebec were written by him.[29]

The proposals worked out by the Canadian Coalition Government were presented to the delegates from the other Provinces, and underwent comparatively few important changes in the sessions of the conference. This procedure accounts for the paucity of information in regard to the drafting of the seventy-two "Quebec Resolutions," which embodied the results of the conference's work and which later formed the basis for the British North America Act of 1867. Even were not the records of the Quebec Conference itself rather scanty,[30] the fact that details were first worked over in Cabinet meeting would naturally result in a dearth of records of much of the really formative discussion. The so-called "Minutes of Council" found in the manuscript "State Books" of the Province of Canada are merely records of Orders in Council and contain no word as to the course of Cabinet deliberations.

One might suppose that even under such conditions

some participants in the work would have been moved by a sense of self-importance, if not by a realisation of the largeness of what they were doing, to make and preserve records comparable with those left by members of the United States Federal Convention of 1787. But apparently the traditions of recordless Cabinet procedure were too strong. It should be remembered, moreover, that neither in Cabinet nor in conference were these men drawing up a declaration of a sovereign people. They were doing virtually what they had done many times before on a lesser scale, when drafting the basis of a bill for parliamentary consideration.

But none the less, in view of the importance of the subject-matter of the document, their manner of approach is likely at first sight to appear rather casual. They began with no such elaborate preliminary research in constitutional history as was made later in the case of Australia or more particularly in that of South Africa. Not that they were, therefore, necessarily without expert counsel. The Parliamentary Librarian of Canada was Alpheus Todd, the noted historian of parliamentary institutions in Great Britain and the British colonies, who for over a quarter of a century had been devoting his researches to the operation of this type of government "in assisting," he says, "Canadian statesmen in giving effect to the grant of 'responsible government.'" [31] With such a scholar immediately at hand in their own library, it may be safely assumed that the practical politicians of the Provincial Cabinet called upon him now as heretofore for information and advice concerning precedents and principles. Doubtless he could furnish them as occasion suggested with the various proposals for British American

union that had been put forth through the years, and with materials on federal governments of the past.

There is no record, however, as to whether any of these men undertook a comparative study of other constitutions comparable with that which Madison made in preparation for the Philadelphia Convention of 1787. One runs hopefully upon a pamphlet by McGee entitled *Notes on Federal Governments, Past and Present*, but finds little except the significant deduction from the history of federal governments, that while the federal form is preferable to the unitary it can only succeed if the central power is strong.[32] The New Zealand Constitution of 1852, quasi-federal in its initial application, was the subject of some study, as were the proposals for Australian federation.[33] And of course the American Constitution, and the process by which it was made, received considerable attention. Mr. Clarance M. Warner of Boston and Napanee has in his library John A. Macdonald's copy of the *Secret Proceedings and Debates of the Convention Assembled at Philadelphia in the Year* 1787 *for the Purpose of Forming the Constitution of the United States of America* (Washington, 1836). The pencillings in the margin indicate that the book had a thorough reading, and it is interestingly confirmative of Macdonald's well-known views to find that the marked passages are chiefly those emphasising the necessity of a strong central government.

After all, it was by no means essential to the performance of their task that these British Americans should make a study of foreign constitutions except in their strictly federal aspects.[34] They had no need to go abroad for the main materials for their bricks, but merely for the straw to bind the whole together. They already had free parliamentary institutions in

the Provinces, institutions that could readily be adapted to the needs of their national government.[35] Of new or borrowed features they needed merely such as would establish workable relations between the provincial governments and the new central authority.

NOTES TO CHAPTER VIII

P. 93, *n.* 1. Mackenzie, *George Brown*, p. 227.
P. 94, *n.* 2. Canadian Archives, *State Book AA*, pp. 266*f.*
P. 94, *n.* 3. *Ibid.*, p. 272.
P. 94, *n.* 4. Gray, *Confederation*, p. 30.
P. 94, *n.* 5. Campbell's name is sometimes erroneously omitted from this list, but see Pope, *Memoirs of Sir John A. Macdonald*, vol. i. p. 267, note.
P. 94, *n.* 6. Gray, *op. cit.*, p. 29.
P. 94, *n.* 7. *Recollections*, p. 39.
P. 96, *n.* 8. The letters are in the *Howe Papers* (Canadian Archives), vol. iv. p. 32; vol. viii. p. 557. Printed in Chisholm, *op. cit.*, vol. ii. pp. 434*f.*, and in Longley's *Howe*, pp. 176*f.*
P. 96, *n.* 9. The speech is in Chisholm, *op. cit.*, pp. 432*ff.*
P. 96, *n.* 10. Johnson, *MS. Life of Howe*, p. 184. *Cf.* Chisholm, *loc. cit.*
P. 96, *n.* 11. N.S., *Journal of Assembly*, 1865, Appendix 3, pp. 34*f.*
P. 97, *n.* 12. Gray, *op. cit.*, p. 31.
P. 97, *n.* 13. *Recollections*, p. 40.
P. 98, *n.* 14. Pope, *Confed. Documents*, p. 72; Lieutenant-Governor Gordon to Colonial Secretary Cardwell, Confidential, 12th September and 22nd September, 1864, Canadian Archives, *C.O.* 189, vol ix. pp. 1*ff.*, 11*ff.*
P. 98, *n.* 15. This minute is in Canadian Archives, *State Book AA*, p. 291, and Monck's enclosing despatch to Cardwell is in *G* 465. Both are printed in Gt. Brit., *Parl. Papers*, 1865 [3426], pp. 3*f.* See also the inter-provincial correspondence in N.S., *Journal of Assembly*, 1865, Appendix 3. The formal minute was merely confirmatory of an arrangement already made.—*Infra*, note 18.
P. 99, *n.* 16. Gray, *op. cit.*, pp. 30*f.* See also *infra*, note 25.
P. 99, *n.* 17. Quoted by Hammond in *Confederation and Its Leaders*, p. 195.
P. 99, *n.* 18. "Report of Proceedings of a Conference Held to Consider the Question of a Legislative Union of N.S., N.B., and P.E.I." In N.S., *Journal of Assembly*, 1865, Appendix 3, pp. 29*f.* The delegates were at Fredericton 15th September, and conferred there informally with Lieutenant-Governor Gordon. Before they finally left St. John an understanding was reached that the Quebec conference should convene 10th October.—Gordon to Cardwell, Confidential, 22nd September, 1864, *loc. cit.*
P. 99, *n.* 19. The affairs are reported at some length in Gray's *Con-*

federation, and more fully in Whelan's *Union of the British Provinces*. See also Young, *Public Men and Public Life in Canada*, vol. i. pp. 220*ff*.

P. 100, *n.* 20. *Supra*, chap. v. note 22.

P. 100, *n.* 21. Whelan, *op. cit.*, p. 8.

P. 100, *n.* 22. *Ibid.*, p. 43.

P. 101, *n.* 23. The conference comprised the following members, known traditionally as the "Fathers of Confederation." CANADA: Sir Etienne P. Taché, M.L.C., Premier; John A. Macdonald, M.P.P., Attorney-General West; Georges E. Cartier, M.P.P., Attorney-General East; George Brown, M.P.P., President of the Executive Council; Alex. T. Galt, M.P.P., Finance Minister; Alex. Campbell, M.L.C., Commissioner of Crown Lands; William McDougall, M.P.P., Provincial Secretary; Thos. D'Arcy McGee, M.P.P., Minister of Agriculture; Hector L. Langevin, M.P.P., Solicitor-General East; James Cockburn, M.P.P., Solicitor-General West; Oliver Mowat, M.P.P., Postmaster-General; J. C. Chapais, M.L.C., Commissioner of Public Works. NOVA SCOTIA: Charles Tupper, M.P.P., Provincial Secretary; W. A. Henry, M.P.P., Attorney-General; R. B. Dickey, M.L.C.; Adams G. Archibald, M.P.P.; Jonathan McCully, M.L.C. NEW BRUNSWICK: Samuel L. Tilley, M.P.P., Provincial Secretary; John M. Johnson, M.P.P., Attorney-General; Edw. B. Chandler, M.L.C.; John Hamilton Gray, M.P.P.; Peter Mitchell, M.L.C.; Charles Fisher, M.P.P.; Wm. H. Steves, M.L.C. PRINCE EDWARD ISLAND: John Hamilton Gray, M.P.P., Premier; Edward Palmer, M.P.P., Attorney-General; W. H. Pope, M.P.P., Provincial Secretary; George Coles, M.P.P.; T. H. Haviland, M.P.P.; A. A. Macdonald, M.L.C.; Edward Whelan, M.L.C. NEWFOUNDLAND: Frederick B. T. Carter, M.P.P., Speaker of the House of Assembly; Ambrose Shea, M.P.P.

P. 101, *n.* 24. Whelan, *op. cit.*, p 17.

P. 101, *n.* 25. Brown from Quebec to a member of his family, 23rd September, 1864, Mackenzie, *op. cit.*, p. 228; Editorial, and ■ column reprinted from Quebec papers of 23rd September in Toronto *Leader*, 27th September, 1864. This semi-official statement is also reprinted from the Montreal *Gazette* of 23rd September in the pamphlet *Three Letters to the Hon. John A. McDonald* [*sic*], by a Backwoodsman (Montreal, 1864).

P. 101, *n.* 26. Brown to a member of his family, 17th October, 1864, Mackenzie, *loc. cit.* *Cf.* Pope, *Confed. Documents*, p. 8.

P. 101, *n.* 27. Lieutenant-Governor Gordon of N.B., who was in Charlottetown during part of the conference there, wrote Colonial Secretary Cardwell from Fredericton, 12th September, 1864: "I had also a good deal of conversation with the Canadian Ministers, especially with Mr. Galt, who appears to me by far the ablest of their number. He developped to me at considerable length the details of the scheme of federation which had been agreed upon by the Canadian Cabinet." —Canadian Archives, *C.O.* 189, vol. ix. p. 3. The reference to Galt was deleted from the printed despatch presented to the Legislature in 1865. For Galt's scheme of 1858 see Skelton's *Galt*, pp. 242*ff*. In the same book, pp. 371*f*., is a comparison, in parallel columns, of Galt's draft and the Quebec Resolutions of 1864.

P. 101, *n.* 28. McGee said in the debate of 1865 that Mowat "took a constant and honourable share in the preparation of this project."—Canada, *Confed. Debates*, p. 137. *Cf.* Biggar, *Sir Oliver Mowat*, vol. i. p. 129; Dent, *Canadian Portrait Gallery*, vol. ii. p. 89; Hammond, *op. cit.*, p. 74.

P. 102, *n.* 29. Joseph How and William Annand to Earl of Carnarvon, 3rd October, 1866, *Howe Papers*, vol. ix. pp. 171*ff.* The writers of this letter, in opposition to the Quebec scheme, attempt to make the point that this authorship, recently announced by a colleague of Macdonald at a public dinner at Kingston, discredits the resolutions.

P. 102, *n.* 30. We are indebted to Sir Joseph Pope for the publication, in *Confed. Documents*, of such records of the Quebec Conference as he could find in Sir John Macdonald's papers, viz., the minutes and the brief notes of discussion kept by the executive secretary, Hewitt Bernard. For first-hand accounts of the conference we are practically limited to these rather meagre records, to A. A. Macdonald's "Notes on the Quebec Conference," edited by A. G. Doughty, in the *Can. Hist. Review*, March 1920, and to the accounts of Gray in his *Confederation* and of other members in *Confed. Debates*. Whelan, in *The Union of the British Provinces*, reports the public festivities and speech-making, but gives virtually no space to the conference itself. See also Young, *Public Men and Public Life in Canada*, vol. i. pp. 223*ff.*

P. 103, *n.* 31. Todd, *Parliamentary Government in the British Colonies*, p. vii. It was in 1867 and 1869 that his famous *Parliamentary Government in England* was published.

P. 104, *n.* 32. McGee, *Notes on Federal Governments*, specially pp. 52*f.* *Cf.* Ross, in Canada, *Confed. Debates*, p. 74.

P. 104, *n.* 33. The New Zealand constitution is printed as an appendix in McGee, *op. cit.* Concerning it, see Earl Grey's *Colonial Policy of Lord John Russell's Administration*, vol. ii. pp. 133, 155*ff.*, and Egerton's *Federations and Unions*, pp. 4, 44. See also Morris, in Canada, *Confed. Debates*, pp. 436*ff.*, and John A. Macdonald in *ibid.*, p. 39; Hamilton, *Letter to Newcastle*, p. 17; Pope, *Confed. Documents*, p. 86.

P. 104, *n.* 34. *Cf.* Jenkyns, *British Rule and Jurisdiction Beyond the Seas*, p. 90, where he says: "Apart from the division of powers which is necessary in every federation and the fixed proportion of the number of senators from each province, it is difficult to specify any point of resemblance between the government of Canada and that of the United States which is not also a point of resemblance between the former and the government of the United Kingdom." *Cf.* also Colquhoun, *Fathers of Confederation*, p. 126, and Bourinot, *Canadian Studies in Comparative Politics, passim.*

P. 105, *n.* 35. *Cf.* Galt's remark in *Speech on Proposed Union . . . Delivered at Sherbrooke, 23rd November*, 1864, p. 8: "The form of government which should be adopted for the administration of the general affairs of the whole union . . . was copied almost literally from the system existing in the several Provinces."

CHAPTER IX

A WORKING COMPROMISE: THE QUEBEC RESOLUTIONS

THE Quebec Conference[1] had little difficulty in agreeing that the proposed union should be federal rather than unitary, or, to use the term then generally employed, legislative. Some, particularly John A. Macdonald, would much have preferred the latter form, with its complete elimination of separate provincial legislatures,[2] but that was utterly unacceptable to the French-Canadians. Their desire to maintain that cultural identity which the Act of Union had failed to suppress, their fear lest ultimately they be dominated by the growing population of Upper Canada, had been a prime factor in producing the political deadlock out of which came the coalition. Cartier and his followers realised their strength too well to think now of surrendering their advantage and accepting a legislative union which would ensure English-speaking ascendency. Federalisation, on the other hand, would leave French Canada free to maintain and develop her individuality.[3] The inclusion of the Maritime Provinces in the federation was desired by the ministerialists[4] in Lower Canada for a similar reason; it would create minority groups in the central government not unlikely to co-operate with Lower Canada in resisting Upper Canadian aggressiveness. In the Maritime Provinces themselves so strong was the local feeling that, as we shall see, serious opposition was encountered there to the

acceptance of federation; a proposal for legislative union would almost certainly have met defeat.[5]

With federation decided upon as the preferable type of union, the most important question which remained was that of the allocation of powers to the central and local units. The solution of the problem was easier than if the Provinces had been sovereign states, each jealous of maintaining its sovereign position. For they were already, as separate colonies, under the Crown, and federation would leave them there, but instead of remaining in direct relation with the Colonial Office they would now occupy an analogous position towards the new federal government.[6] Since it was not necessary to secure a surrender of sovereign rights by the parties to the union, as it had been in the United States in 1787, advocates of a strong central government could be more successful this time in moulding the federal scheme in accordance with their ideas.[7] Macdonald and other believers in a legislative union were thus able to exert a considerable centralising influence upon the character of the federation. Indeed, the conviction was general that a federation, to be successful, must have a strong central government, for the American Civil War, then being waged, was looked upon widely in the British Provinces as chiefly the result of too great local autonomy.[8]

In the division of powers there was careful specification of those belonging exclusively to the local governments as well as of those exclusively in the hands of the central government.[9] Much was made at the time of the fact that the latter received the "residual powers,"[10] those not specifically allocated to provincial or federal authority, in contrast to the course followed in the Constitution of the United

States. The transfer from the British to the federal government of the power to disallow provincial acts was expected also to reinforce the central authority, but in practice this power has almost disappeared. Originally held to be very broad, it has been limited to the acts of provincial legislatures that are either *ultra vires* or inimical to Imperial interests.[11] Indeed, the Provinces have on the whole found it easier to retain their authority than have the States of the American Union. While the latter, in entering the Union, retained the "residual" powers, they do not enjoy any authority expressly reserved to them, as the Provinces do, and hence have less to guard them from encroachments of federal jurisdiction.

The "Fathers of Confederation" were fortunate, in working out a scheme of government involving division of powers, that they were not under the necessity of providing for a supreme tribunal to settle disputes over jurisdiction. As the written constitution was to take the form of an Act of the Imperial Parliament, it was the natural course to assume that its interpretation would rest, in the last resort, with the Judicial Committee of the Privy Council, which would thus continue to function as the court of final appeal.[12]

Similarly, amendments to the constitution as embodied in Imperial Act also would naturally come through the parliament by which it had been enacted. And in those respects in which the provincial and federal legislatures would be enabled to amend their own constitutions, there seemed no reason to require any extraordinary method or unusual majority for the attainment of that end.[13]

Already accustomed to legislative supremacy, the "Fathers of Confederation" seem to have taken for granted that such supremacy should continue. That

attitude not only accounts for their policy, or lack of policy, as to amendment; it also explains the absence of "constitutional limitations" in the scheme of government that they drew up. Of course federation necessarily involves a restriction of the subject matter upon which federal and local legislatures respectively may legislate, but within the limits so set Dominion and Province alike, in Canada, have "plenary powers of legislation as large and of the same nature as those of Parliament itself." [14] As Justice Riddell has said, the word "unconstitutional" does not have a meaning in Canada corresponding to its use in the United States: rather, the word is used "in the same sense and with the same connotation as in the Old Land. Careful speakers and writers use the phrase 'ultra vires' for 'unconstitutional' in its American meaning; 'intra vires' for 'constitutional.'" [15]

It is plain that in the minds of the "Fathers of Confederation" the sense of continuity was stronger than the feeling of change, in so far as the form and workings of governmental machinery were concerned. They assumed that the British connection was to be maintained, that British institutions were to be preserved, and that whatever new institutions might be necessary were to be shaped, so far as possible, on British models. This assumption greatly simplified the task of constructing a federal organism. Responsible government, for example, was continued in the Provinces [16] and its use in the federal government taken for granted, thereby not only preserving the interdependence of executive and legislature but also avoiding the problem of devising a new type of executive. The appointive governorship, representative of the Crown and exercising its constitutional

functions, was retained. Federal appointment of provincial lieutenant-governors replaced appointment by the Colonial Office, the change furthering that central supremacy so much desired. The presence of an appointee of the Imperial Government as Governor-General representing the Crown in the federal government was another factor in addition to the judicial supremacy of the Privy Council, calculated to preserve the British connection.[17] Further attachment to British example was evidenced in the scheme as it finally went into effect. The old term for the Lower House, "Assembly," gave way in the federal parliament to the peculiarly British term "House of Commons," in spite of the inapplicability of that expression in strict truth to conditions in a new and as yet relatively unclassed country. And the "Executive Council" became in the Dominion Government "Her Majesty's Privy Council for Canada."

Although British and colonial institutions largely formed the basis of the new scheme of government, these offered no suggestion for solving the strictly federal aspects of the problem. Here the experience of the United States proved useful. In the matter of the distribution of legislative powers, as we have seen, that experience was adduced as pointing out what not to do, for the Civil War was looked upon as an "awful example" of states' rights run amuck. In some other respects, however, there was helpful suggestion, positive rather than negative, in the American Constitution.[18]

The Philadelphia Convention had solved the problem of the allotment of representation by basing that in the Lower House upon population, and that in the Upper upon the equality of the States. A similar problem in British America received a somewhat

similar solution. The old cry for "Rep. by Pop." was satisfied in the Lower Chamber,[19] and an attempt was made to furnish the safeguards demanded by sectional minorities in the composition of the Upper House, which was to have twenty-four members from Upper Canada, twenty-four from Lower Canada, and twenty-four from the Maritime Provinces considered as one section.[20] This question of the distribution of members in the Upper Chamber occupied three days of the Conference at Quebec, and nearly broke up proceedings.[21]

Discussion waxed warm, too, over the mode of choosing the members of the Upper House. Canada's Legislative Council had been for some years elective.[22] McDougall and Mowat sponsored a motion for the adoption of the elective principle now, which secured the support of about a third of the delegates, but the Maritime Province representatives, with the exception of the Prince Edward Islanders, were unanimously against it. Brown lined up with Macdonald on the side of appointment. He, with others, felt that two elective Houses were incompatible with the responsible Cabinet system. To which House, in case of deadlock, would the Ministry be responsible? Another argument that weighed heavily in favour of appointment was the fact that such large constituencies as would be necessary for the elective method would be impracticable and impossibly expensive. The advocates of appointment, accordingly, won the day. The decision that the first members of the new body should be chosen from the existing provincial Upper Chambers[23] may indicate that the creation of positions of honour for these provincial legislative councillors was considered desirable as a means of insuring their support for federation.[24]

It was contended that the limitation of membership in the Upper House would prevent its "being swamped from time to time by the ministry of the day" and thus preserve its independence and "make it, in reality, a separate and distinct Chamber, having a legitimate and controlling influence in the legislation of the country," and serving as a valuable regulating body to prevent "hasty or ill-considered legislation." As for the danger of deadlock, it would be greater with two elective bodies.[25]

The creation of an Upper House of this sort as a special embodiment of the federal idea has proved less important than was expected. A much surer guarantee, in practice, of the representation of sectional interests in the federal government, has been the custom of taking geographical as well as political, racial, and religious factors into account in making up the membership of the Dominion Cabinet. Nor has the Canadian Senate become a strong independent force in legislation.[26] But discussion of the history of Canadian government since federation is beyond the bounds of this work.

One more problem must be noticed which proved difficult of solution, that of finance, upon which, as upon the question of the constitution of the Upper House, the Quebec Conference almost went to pieces.[27] The root of the difficulty lay in the proposed provincial surrender to the central government of practically all sources of revenue except direct taxation for local purposes.[28] The Maritime Provinces had no municipal system, and no direct taxation, and so were accustomed to meet local needs from the provincial treasury. The Canadians, already used to local direct taxation, and in the habit of letting turnpike companies build many of their roads, found it

hard to appreciate the situation in which the Maritime Provinces would be placed. So difficult of solution did the question prove, that it became necessary to adjourn the conference for a day and hand this matter over for special consideration to a small committee, comprising Galt and Brown for Canada, Tupper and Archibald for Nova Scotia, Tilley for New Brunswick, Shea for Newfoundland, and Pope for Prince Edward Island. They toiled at the problem till late at night, and at noon on the following day, when the conference reassembled, Galt reported their conclusions, which formed the basis of settlement.[29] In addition to taking over the provincial debts, up to certain fixed limits, the central government was to grant annually to the Provinces, in consideration of the transfer of their powers of taxation, a sum equal to eighty cents per head of the population according to the census of 1861.[30]

It was further agreed that the central government should assume responsibility for the prompt construction of an intercolonial railway, an agreement that was a *sine qua non* to the entrance of the Maritime Provinces into a union. Communications with the North-West and improvements that would develop western trade with the seaboard through Canada were declared to be subjects of the highest importance to the proposed federation, and they were accordingly to be undertaken as soon as finances would permit. The whole relation of these matters to the federation movement was of fundamental importance and is reserved for treatment at length in later chapters.

The Quebec Conference lasted only three weeks, and during the final days a good many resolutions were put through with little discussion.[31] One must remember, however, how much work was done on the

scheme by the Canadian Ministers in fulfilment of their promise that they would present detailed proposals to the delegates from the other Provinces. Once the conference had reached decision on the chief questions, therefore, the rapid settlement of subordinate points was not unnatural. Certainly, under the circumstances, it does not give good ground for the old superficial charge that the conference did its task with unseemly haste. The Quebec Resolutions, while somewhat imperfectly arranged, were not thrown together in anything like so haphazard a fashion as has sometimes been inferred from a cursory reading of the mere formal records.

Upon leaving Quebec [32] the delegates made a tour of Canada, speaking at banquets at the chief cities and educating public opinion. At Toronto, on 3rd November, the details of the scheme were opened to the people by George Brown.[33] The excursion culminated in an informal meeting of the delegates at Montreal, where the resolutions of the conference were once more gone over and the correction of a few minor points agreed to, after which a parchment copy was signed by all the delegates present.[34]

NOTES TO CHAPTER IX

P. 108, *n.* 1. At Quebec, as at Charlottetown, proceedings were secret. See Canada, *Confed. Debates*, p. 56; Gray, *op. cit.*, pp. 53*f.*; Pope, *Confed. Documents*, pp. 7*f.*, 10*f.*, 35*f.*, 59. On other points of procedure see *ibid.*, pp. 5*f.*, 53*f.* Voting was by provinces, Canada having two votes, the others one each.

The seventy-two resolutions are accessible in many places, *e.g.* in *Confed. Debates*; Pope, *op. cit.*; Gray, *op. cit.*; Houston, *Documents*; Gt. Brit., *Parliamentary Papers*, 1865 [3426]. *Cf.* also *supra*, chap. viii. note 30.

P. 108, *n.* 2. Canada, *Confed. Debates*, p. 29; Cartwright, *Reminiscences*, p. 38; David, *L'Union des deux Canadas*, pp. 210, 291;

Egerton, *Federations and Unions*, pp. 39, 93. *Cf.* Pope, *Correspondence of Sir John Macdonald*, p. 11, note.

P. 108, *n.* 3. Concerning the necessity of federal rather than legislative union because of the need to guarantee Lower Canadian identity, see David, *op. cit.*, p. 209; Boyd, *Cartier*, pp. 73, 206*ff.*, 279; Canada, *Confed. Debates*, pp. 12, 57, 108.

Cartier later felt bitter towards Sir John Macdonald for what he considered the latter's ingratitude. "It is I who have kept him in power," he told Henry J. Morgan of Ottawa, "and see how he uses me and the people I represent. He has always been the enemy of my race, and would, but for me, have forced a legislative union upon us."—Henry J. Morgan to the editor of the Montreal *Herald*, 30th January, 1906.

On the rights of the French in Canada see DeCelles, "Les Constitutions du Canada," in *Trans. Roy. Soc. Can.*, 2nd Ser., vol. vi. sect. 1, pp. 3*ff.*

The later French-Canadian attitude was typified in Laurier's statement: "The federative form was only adopted to preserve for Quebec the exceptional and unique position which it occupied on the American continent."—*Wilfrid Laurier on the Platform*, p. 19.

P. 108, *n.* 4. But not by the "Rouges," who, like the "Grits" of Upper Canada, were arguing against the larger scheme.—Toronto *Leader*, 18th August, 1864.

P. 109, *n.* 5. Although Howe expressed preference for legislative union.—Howe to Cardwell, September 1865, *Howe Papers*, vol. viii. pp. 710*ff.* So did J. W. Johnstone.—See Bourinot, *Builders of N.S.*, pp. 153*f.*

P. 109, *n.* 6. Downing Street considers them merely as divisions of a single colonial dominion. *Cf.* Jenkyns, *British Rule and Jurisdiction*, pp. 89, 118.

P. 109, *n.* 7. *Cf.* Egerton, *Federations and Unions*, p. 39.

P. 109, *n.* 8. See Russell, *Canada: Its Defences, Condition, and Resources*, p. 352; Canada, *Confed. Debates*, p. 74; Gray, *op. cit.*, p. 57.

P. 109, *n.* 9. See Pope, *Confed. Documents*, pp. 22*ff.*, 27*ff.*, 43*ff.* for the minutes on division of powers. The slight notes of discussion are at pp. 79*ff.* The latter are not strictly accurate: Mowat wished to prevent the subordination of the provincial legislatures to the federal. —Biggar, *Mowat*, vol. i. pp. 132*f.* On division of powers and Dominion control of the Provinces see Jenkyns, *op. cit.*, pp. 203*ff.*; Todd, *op. cit.*, pp. 325*ff.*; Munro, *Constitution of Canada*, pp. 223*ff.* For the law of the constitution as interpreted by the Privy Council see Lefroy, *Canada's Federal System*, and Cameron, *The Canadian Constitution as Interpreted by the Judicial Committee of the Privy Council in its Judgments.*

P. 109, *n.* 10. Galt in his proposals of 1858 had characterised the disposal of the residual powers as a question for mature deliberation.

P. 110, *n.* 11. *Cf.* Egerton, *op. cit.*, p. 93.

P. 110, *n.* 12. Though, of course, a system of courts was provided for, and it was assumed that constitutional questions would in many cases come before them in the first instance. See Pope, *Confed. Documents*, p. 84. *Cf.* Bourinot, *Federal Government in Canada*, pp. 65*ff.* Contrast the provision of the Commonwealth of Australia

Constitution Act limiting appeals to the Privy Council.—Egerton, *op. cit.*, p. 212.

P. 110, *n.* 13. See Munro, *op. cit.*, pp. 229*ff.*; Jenkyns, *op. cit.*, p. 75; Ross, *Senate of Canada*, pp. 109*ff.* As to the methods of altering the constitutions of Australia, South Africa, and other colonies, see Jenkyns, *op. cit.*, pp. 72*ff.*; Egerton, *op. cit.*, pp. 228*f.* and note 1.

P. 111, *n.* 14. Quoted from Judicial Committee in Reg. *v.* Borah (1878) by Justice W. R. Riddell in *The Constitutions of the United States and Canada*, p. 7.

P. 111, *n.* 15. Riddell, *loc. cit.* On the distinction between the conventions and the law of the Canadian constitution see Bourinot, *Federal Government in Canada*, pp. 33*ff.* *Cf.* Canada, *Confed. Debates*, pp. 219*f.*

P. 111, *n.* 16. It was left for the Canadian Legislature in 1866 to provide for the local governments and legislatures of the two sections of the Province when federation should be effected. For the resolutions of the Legislature on the subject see Pope, *Confed. Documents*, pp. 89*ff.* On the provincial governments and legislatures see Bourinot, *Manual of Constitutional History*, pp. 62*ff.*; Munro, *op. cit.*, pp. 44*ff.*

Brown would have liked to do away with the responsibility of the provincial executive to the legislature, substituting the American system of direct election of both by the people. Indeed, in the late 'fifties the *Globe* had been party to an agitation against responsible government. The single chamber adopted for Ontario, while Quebec was given two, was due to the respective attitudes of Brown and Cartier on that matter. See Pope, *op. cit.*, pp. 74*f.*

P. 112, *n.* 17. *Cf.* Canada, *Confed. Debates*, p. 34; Hamilton, *Union of the Colonies*, p. xi; Todd, *op. cit.*, pp. 574*ff.*; Jenkyns, *op. cit.*, pp. 77*ff.*, 213*ff.* The Governor-Generalship of B.N.A., which existed long before federation, was little more than nominal.—*Cf.* Durham's *Report*, edited by Lucas, vol. ii. p. 8, note 1.

P. 112, *n.* 18. On the influence of the U.S. constitution as compared with the British see Canada, *Confed. Debates*, especially in the speeches of Macdonald, Brown, and McGee, pp. 32*f.*, 85, 145. See also J. W. Johnstone to P. S. Hamilton, 2nd March, 1865, in Bourinot, *Builders of Nova Scotia*, p. 154. For a suggestive discussion of origins see W. R. Riddell, "Some Origins of 'The British North America Act, 1867'" (*Trans. R.S.C.*, 3rd Ser., vol. xi. sect. 2, pp. 71*ff.*).

P. 113, *n.* 19. The use of existing constituencies brought it about that at first the representation was not strictly according to population, but it was so after the census of 1871.—Gray, *op. cit.*, pp. 58*f.*

P. 113, *n.* 20. Canada, *Confed. Debates*, pp. 21, 35, 88; Pope, *op. cit.*, pp. 11, 117*ff.*

P. 113, *n.* 21. Lewis, *Brown*, p. 164. There is no record in Pope, *op. cit.*, of the discussion on these days.

P. 113, *n.* 22. Characterised as a mistake by Adderley in his *Review of Grey's "Colonial Policy,"* p. 39.

P. 113, *n.* 23. Except in the case of P.E.I. Apparently appointment by the provincial legislatures, except in the first instance, was not considered.

P. 113, *n.* 24. Pope, *op. cit.*, pp. 61, 117*ff.*; Canada, *Confed. Debates*, pp. 22*ff.*, 35*ff.*, 88*ff.*, 235*ff.*, 287, etc.; Young, *op. cit.*, pp. 226*f.* and

note; Colquhoun, *op. cit.*, p. 80 and note 1; Galt, *Speech on Proposed Union delivered at Sherbrooke*, p. 9.

P. 114, *n.* 25. Macdonald, in Canada, *Confed. Debates*, p. 36. At the suggestion of the British Government, the B.N.A. Act authorised the appointment of six additional members in case of deadlock, hardly a sufficient measure if the situation were serious.

P. 114, *n.* 26. For a historical study of the Senate see Sir George Ross, *Senate of Canada*.

P. 114, *n.* 27. Lewis, *Brown*, p. 165.

P. 114, *n.* 28. N.B.'s export duty on timber an exception.—See Galt in *Confed. Debates*, p. 67. His whole speech is an able exposition of the financial terms.

P. 115, *n.* 29. Gray, *op. cit.*, pp. 61*f.*; Pope, *op. cit.*, pp. 25*f.*, 34, 82*ff.*

P. 115, *n.* 30. $62,500,000, $8,000,000 and $7,000,000 were the debt limits respectively for Canada, N.S., and N.B. Prince Edward Island and Newfoundland were to receive interest at five per cent. on the difference between their indebtedness, in proportion to population, and the average of that of the other three Provinces. New Brunswick and Newfoundland were to receive special additional grants. For further details see the resolutions in Pope, *op. cit.*, pp. 50*f.*, and the slight record of discussion, *ibid.*, pp. 82*ff.*

For statistics of the financial condition and prospects of British North America in 1864, see *infra*, appendix to this chapter. *Cf. Confed. Debates*, especially pp. 62*ff.*, 92*ff.*, 139*ff.*, 260*ff.*

P. 115, *n.* 31. *Cf.* Pope, *Memoirs of Sir John A. Macdonald*, vol. i. p. 356.

P. 116, *n.* 32. The final session of the three weeks' conference was held at Montreal, 29th October.—Pope, *Confed. Documents*, p. 37.

P. 116, *n.* 33. For reports of these banquets, see Gray, *op. cit.*, pp. 80*ff.*; Whelan, *op. cit.*, pp. 84*ff.* About the middle of the month the full resolutions were made public in the *Prince Edward Island Monitor*. Whether or no the publication was secretly authorised is not known. —Johnson, *MS. Life of Howe*, p. 209.

P. 116, *n.* 34. Whelan, *op. cit.*, p. 216; Pope, *Memoirs of Sir John A. Macdonald*, vol. i. p. 356.

APPENDIX TO CHAPTER IX

From *Speech on the Proposed Union of the North American Provinces, delivered at Sherbrooke, C.E., by the Hon. A. T. Galt, Minister of Finance, 23rd November,* 1864. *Reprinted from the "Montreal Gazette"* (Montreal, 1864).

[Several minor errors are to be found in the following tables. These errors occur in the figures as printed in Galt's pamphlet. No attempt has been made to correct them, for it is impossible to tell whether what appear to be mistakes in addition may not in reality seem so only because of typographical errors in the numbers added. Attempted corrections, therefore, might introduce new mistakes. The errors are all essentially negligible.]

THE FINANCIAL POSITION OF THE PROVINCES.

	Debt, 1863.	Income, 1863.	Outlay, 1863.
Nova Scotia	$4,858,547	$1,185,629	$1,072,274
New Brunswick	5,702,991	899,991	884,613
Newfoundland (1862)	946,000	480,000	479,420
Prince Edward Island	240,673	197,384	171,718
Maritime Provinces	$11,748,211	$2,763,004	$2,608,025
Canada	67,263,994	9,760,316	10,742,807
Totals	$79,012,205	$12,523,320	$13,350,832

Increased Revenues in 1864.

Canada, without the produce of the new taxes		$1,500,000
New Brunswick		100,000
Nova Scotia		100,000
		$1,700,000
Deficit of 1863	$827,512	
Surplus of 1864	872,488	
	$1,700,000	
Total Revenues of all the Colonies, 1864		$14,223,320
Outlay		13,350,832
Estimated Surplus		$872,488

THE POSITION OF THE CONFEDERATION, ESTIMATED ON THE BASIS OF 1864.

	Revenue now produced for General Government.	Local Revenues which would not go into the General Chest.	Subsidy to be paid to each Province.	Difference, available for the purposes of the General Government.
Canada . .	$11,250,000	$1,297,043	$2,006,121	
Nova Scotia .	1,300,000	107,000	264,000	
New Brunswick	1,000,000	89,000	264,000	
Prince Edward Island .	200,000	32,000	153,728	
Newfoundland .	480,000	5,000	369,000	
	$13,260,000	$1,530,043	$3,056,849	$9,643,108

	Expenditure.	Local Outlay.	Difference payable by the General Government.
Canada . .	$9,800,000	$2,260,149	
Nova Scotia .	1,222,355	667,000	
New Brunswick	834,518	424,047	
P. E. Island .	171,718	124,016	
Newfoundland .	479,000	479,000	
	$12,507,591	$3,954,212	$8,553,379

Surplus at the disposal of the General Government . $1,089,729

AVERAGE OF THE PRESENT TARIFFS.

Canada . .	20 per cent.	Newfoundland .	11 per cent.
Nova Scotia .	10 „	Prince Edward Island	10 „
New Brunswick .	15½ „		

FUTURE POSITION OF THE PROVINCES.

	Local Revenues.	Estimated Outlay for 1864, under present Government.	Estimated Local Outlay under the Union.
Nova Scotia . . .	$107,000	$667,000	$371,000
New Brunswick . .	89,000	404,047	353,000
P. E. Island . . .	32,000	171,718	124,015
Newfoundland . .	5,000	479,000	250,000
	$233,000	$1,721,765	$1,198,015
Canada . . .	1,297,043	*2,021,979 † 238,170	‡
	$1,530,043	$3,981,914	‡

* Average of the last four years. † Interest on excess of debt.
‡ Not submitted by Mr. Galt, for reasons given in the speech.

THE AUDITOR'S STATEMENT OF THE LIABILITIES OF CANADA.

Debenture Debt, direct and indirect		$65,238,649 21
Miscellaneous liabilities		64,426 14
Common School Fund		1,181,958 85
Indian Fund		1,577,802 46
Banking Accounts		3,396,982 81
Seigniorial Tenure:		
Capital to Seigniors	$2,899,711 09	
Chargeable on Municipalities' Fund	196,719 66	
On account of Jesuits' Estates	140,271 87	
Indemnity to the Townships	891,500 00	
		4,118,202 62
		75,578,022 09
Less—Sinking Funds	$4,883,177 11	
Cash and Bank Accounts	2,248,891 87	7,132,068 98
		68,445,953 11
From which, for reasons given in his speech, Mr. Galt deducted the Common School Fund		1,181,958 85
Leaving as NET LIABILITIES		$67,263,994 26

IMPORTS, EXPORTS AND TONNAGE OF THE PROVINCES.

	Imports.	Exports.	Sea-going Tonnage. Inward & Outward.
Canada	$45,964,000	$41,831,000	2,133,000
Nova Scotia	10,201,391	8,420,968	1,432,954
New Brunswick	7,764,824	8,964,784	1,386,980
P. E. Island	1,428,028	1,627,540	No returns
Newfoundland	5,242,720	6,002,212	„ „
	70,600,963	66,846,604	4,952,934
	66,846,604	Lake T'ge	6,907,000
TOTAL TRADE	$137,447,567	TOTAL TONS	11,859,934

CHAPTER X

THE BATTLE FOR ACCEPTANCE

At the banquets which marked the triumphal progress of the delegates through the Canadian cities after the Quebec Conference, much enthusiasm for the union cause was displayed. But when the feasting was over, and the shouting had died, it soon became apparent that much must still be done before the dream of federation could become a reality.

Acceptance of the Quebec scheme was secured with less difficulty in Canada than in any other Province. There, in March 1865, after a debate of several weeks, the Legislature agreed to the seventy-two resolutions[1] *in toto* and adopted an address requesting that the Imperial Parliament pass legislation in accordance with their provisions.[2] Upper Canadians were naturally almost unanimous in support of a scheme that would gain for their section "Rep. by Pop.," though some of the "Grits" adhered to the programme of the Toronto Convention, voicing preference for a federation of the two Canadas without the Maritime Provinces.[3] Among Lower Canadians there was naturally more difficulty, because the French would be a minority in the new federal government, and the English in that of the French Province. Accordingly opposition came from a few members of all parties there, though chiefly from the Liberals of both races, and a group of young French Conservatives who were afraid of placing Lower Canadian interests, even in general matters, in the hands of

an English majority. But what could they do, asked one of those young Conservatives later, against the united influence of the clergy, the Government, the great majority of the English of Upper and Lower Canada, and of England, against the seductions of place, of honours and of favours that confederation offered to its advocates and partisans?[4] In spite of the fact that much of the opposition in Canada to the Quebec scheme came from Lower Canada,[5] Cartier led his party there to an overwhelming victory at the next election, in 1867. The Church was actively with him, explaining its attitude by the contention that the alternative to federation was annexation to the United States, a step feared by the Church because it might mean the confiscation of Church lands[6] and would certainly decrease hierarchical influence in the Government. Galt's assurances to his English-speaking Protestant compatriots in Lower Canada that their interests would be safeguarded carried great weight with them. The bulk of Conservatives there, French and English, thus supported the federation project, in spite of the astonishment which they were sometimes unable to suppress at seeing their leaders in the same Government with George Brown.

The delegates of the Lower Provinces to the Quebec Conference were on the whole so satisfied with the results of the gathering, and so confident of the success of the scheme there formulated, that at an adjourned meeting of the Maritime Conference on Legislative Union, held at Toronto on 3rd November, they resolved, in view of the Quebec Conference's adoption of the seventy-two resolutions, to postpone considering the question of a legislative union for the Maritime Provinces.[7] When they reached their homes,

however, they were disillusioned. Opposition was already active, due partly to the separatist instincts of the little community which dislikes the loss of identity involved in union with a larger and fears the economic exploitation that may result, and partly to dissatisfaction with the proposed financial terms. The cry that they were being sold to Canada at eighty cents a head embodied in a popular slogan both these lines of opposition. The Lieutenant-Governors of Nova Scotia and New Brunswick were not cordial to the project, MacDonnell of Nova Scotia supposedly because he did not want the importance of his office lessened, Gordon of New Brunswick, it was said, because he had hoped to be governor of a union of the three Maritime Provinces.[8]

It was disappointing that the Quebec scheme was rejected by Prince Edward Island and Newfoundland, but they were relatively too small for their action to kill the project. (Discussion of their attitude is reserved for Chapter XXII., on rounding out the Dominion's boundaries.) Unless, however, rejection could be checkmated in both New Brunswick and Nova Scotia, the whole idea might as well be abandoned. For a time the prospect looked gloomy in both Provinces. In New Brunswick, an election in March resulted in the overwhelming defeat of the Tilley Administration, and with it, apparently, the federation cause. Tupper, in Nova Scotia, took care to avoid committing the Legislature upon the question and managed to put through instead a motion in favour of renewing negotiations regarding Maritime Union.[9] It would be worse than useless to push matters there against the strong opposition to which Howe had now become a party, until New Brunswick, holding the key position between Canada and

Nova Scotia, should have been induced to change her mind.

The influences were diverse which brought about another turnover in New Brunswick in 1866, and thus opened the way again to the realisation of federation. On sober second thought many New Brunswickers decided that the terms of union were not altogether unfavourable after all. The bait of the intercolonial railway, in fact, meant more to that Province than to any other. A most important factor in the situation, already pointed out in Chapter IV. as an influence at the beginning of the 'sixties, was the condition of British-American relations with the United States. More recently the St. Albans raid and the *Alabama* depredations had not tended to promote good feeling in the States towards the Provinces. The United States attitude was becoming distinctly more hostile, and its aggressiveness was enhanced by some Americans' dislike of the movement for federation of the Provinces, which seemed liable to postpone indefinitely the possibility of those regions being politically absorbed by the republic.

In January 1865, Congress, which had had the purpose in mind for many months, resolved to abrogate the Reciprocity Treaty of 1854, the abrogation to go into effect at the earliest date possible under the terms of the treaty, which would be 17th March, 1866. That this action was "the result rather of a strong political feeling than of any commercial considerations" was stated by so distinguished a man as Charles Francis Adams, American Minister at London during the Civil War.[10] The free trade sentiment of the South, which had done much to secure acceptance of the treaty, now of course had no voice

in Congress, and the political animosity aroused in the North against the Provinces by the situation during the war was thus able to exercise a controlling influence upon policy. Southern leaders had feared, in 1854, that, unless reciprocity were granted, the Provinces might be driven by their loss of British trade favours to seek admittance to the republic and thus throw the balance of power irrevocably to the free North. In the Congress of 1865 any thought that the withdrawal of American reciprocity might compel the Provinces to seek economic salvation through annexation to the States was welcome rather than otherwise. But there were some commercial interests in the North which believed that the treaty had been economically advantageous, and in July 1865 a great international convention was held at Detroit to consider the possibility of a new treaty. At the gathering, after Howe had made one of his greatest speeches,[11] in which he swung a hostile crowd to his support, resolutions were finally adopted favouring a renewal of reciprocity. But political antagonism was voiced even at this convention, and in the end it won the day, and reciprocity was "sacrificed on the annexation altar."[12]

The sacrifice proved vain. Rather than hurrying to a favourable consideration of annexation, the people of the Provinces were led to a more serious study of other alternatives. As one effect of the abrogation of reciprocity a joint trade commission from the Provinces was sent in the fall of 1865 to study possibilities of trade developments in the West Indies and Brazil.[13] Another effect was to furnish a powerful argument for free trade among the Provinces, and for the federation project as a practical means of achieving that end. Isaac Buchanan of Hamilton,

for example, an ardent upholder of reciprocity,[14] now, in his retiring address to his constituents, 17th January, 1865, argued that because of the uncertain tenure of reciprocity, federation was a "necessity as a means of preserving the Canadas to the British Empire" because of the "necessity to save the Canadas from remaining immeasurably lower in material industrial advantages and prospects than the United States."[15]

It turned out that the American Government was not prepared to take active measures against the Provinces,[16] but the annexation talk, official and unofficial, whether or not voiced in connection with reciprocity abrogation, certainly roused the fears of those colonists, and they were the large majority, who did not wish to transfer their allegiance.[17] And there is little doubt that the realisation of the federation scheme lessened the chances that popular clamour in the United States might force the Government there to take active measures against British America.

While the authorities at Washington took no such step themselves, they winked for a time in 1865 and 1866 at Irish-American preparations that were being made on a large scale for the invasion of the Provinces. The Fenians in the United States had conceived the unhappy notion that the way to free Ireland was to attack Britain in America. Their threats of invasion were voiced openly, and they gathered in menacing numbers, armed and well officered, on the Canadian and New Brunswick borders.[18] Their talk and their doings, tales of which filled the colonial newspapers, caused much excitement. The volunteers were called out in the spring, and in Canada had to meet actual invasion in June.

On the New Brunswick border, so threatening had

the situation become in April that Governor Gordon telegraphed to General Hastings Doyle, in command of the forces at Halifax, asking for the assistance of regular troops to strengthen the defences of the Province.[19] Thanks to the presence of volunteer and regular troops, and war vessels, also to the prompt arrival of the American, General Meade, with a force sent by the Washington Government as soon as the affair became critical, there were no hostilities along the St. Croix. But the excitement came at a convenient time for the cause of federation, and it was made the most of by that movement's supporters. Just as the Fenian situation was approaching a crisis, the Provincial Government resigned, 13th April, practically forced out of office by Governor Gordon,[20] in order to facilitate the acceptance of federation, towards which public opinion had been veering for some time. In May and June the elections were held. The victory of the federation party was as complete as that of its opponents had been in the previous year.

A telegram from Governor Gordon to General Doyle, dated 25th May, 1866, casts interesting light upon the usefulness of the Fenian situation at this time: "I, some days ago, sent down Anderson with discretion to arrest embarkation, and myself postponed it, at all events till next week. I don't believe half the reports which are I think very much got up for election purposes. *It is essential to success of confederation that Volunteer Battalion should be at St. John during election nearly all are voters and a majority favourable* I hoped to dispense with them altogether, for they are very expensive, but if I found they would have to return I intended *to ask you to send to St. Andrews, for the week of their absence the two companies of 15th you originally destined for St. Stephens.*"

The telegram is endorsed by Doyle to the effect that the underlined sentences were received in cypher. Gordon's wish for troops to take the place of the volunteers is explained by another telegram to Doyle three days later: "I send you the details and you will I think concur in necessity of some protection. There is, however, until after the Elections a political necessity not to allow a cry of abandoning the Charlotte people to be raised, you will see my request for 15 is only temporary & the Volunteers will at once replace them after the St. John election if necessary." [21]

Here was Governor Gordon, who was opposed to federation in 1865, and who, indeed, was in part responsible for its defeat in that year, in the following year working hard for its realisation. The cause of his change of heart lay in the attitude of the British Government. Colonial Secretary Cardwell instructed the Maritime Province governors in June of 1865 to inform their Governments that it was "the strong and deliberate opinion of Her Majesty's Government" that it was "an object much to be desired that all the British North American Colonies should agree to unite in one Government." He urged as a prime reason for this the greatly improved condition in regard to defence that would then be possible.[22] It is significant that this despatch was sent a few days after the Colonial Secretary had concluded a conference with a deputation from Canada. The Coalition Government in that Province, much perturbed at the course affairs were taking down by the sea, and at the general uncertainty as to its own future, sent Macdonald, Cartier, Brown, and Galt to confer with the British Government upon means for the speedy effecting of federation, upon arrangements for defence

in case of war with the United States, upon the course to be pursued in regard to reciprocity, upon the arrangements necessary for the settlement of the North-West Territory and Hudson's Bay Company's claims, and generally upon the critical state of affairs seriously affecting Canada.[23] The Imperial Government's intervention in the Maritime Provinces was hastened and strengthened as a result of the conference. Not only was the despatch already quoted sent to the Maritime governors, but delegates who went to England from Nova Scotia and New Brunswick to advance the cause of Maritime Union were informed that the British Government could not countenance "any proposals which would tend to delay the Confederation of all the Provinces, which they [were] . . . so desirous to promote." Aid could only be given to proposals for a Maritime Union if that union were "subordinate to and formed part of the scheme for general union."[24]

In favouring federation the British Government was following its colonial policy of a generation to a logical conclusion. The grant of real self-government, the adoption of free trade, and the repeal of navigation laws, must naturally be followed by throwing the colonies more and more upon their own resources for defence. The military menace to British America arising out of the Civil War in the neighbouring republic served to strengthen an attitude which the Home Government had long held.[25] From the beginning of the war a stream of despatches on the subject went from the Colonial Office to the Provinces. Federation, by enabling the latter better to utilise their own strength, would constitute a long step forward. So eager was the Imperial Government for the step, that assurances were given that if the

two Canadas agreed, Britain would see to it that the other Provinces were brought into line.[26] There lies sufficient explanation of Gordon's action in unseating the Smith Government and precipitating a second election. A trip to England had made of him an ardent worker for the policy desired by the Home Government. MacDonnell, less amenable to reason, was shipped off to the governorship of Hong-Kong and his place at Halifax given to Sir Fenwick Williams, popular as a native Nova Scotian, illustrious as the hero of Kars, and a firm believer in federation.[27]

There was another side to the British attitude. Many believed that the natural evolution of the colonies was towards complete independence from the Mother Country.[28] There would have been considerable relief, indeed, in some quarters, had the Provinces chosen to join the United States and thus remove themselves from their place as the Achilles' heel of the empire stretched out naked for the American Republic to snap at.[29] Even the Colonial Office contained among its permanent officials men of these views.[30] Newcastle, however, who was Colonial Secretary from 1859 to 1864, when ill-health forced his retirement, held no such separatist doctrines. Believing in colonial autonomy, he was eager at the same time to retain the colonies within the empire. The favourable change in the official British attitude towards the colonies was really due in large part to his influence.[31] Cardwell, who had taken his place as Whig Colonial Secretary, was likewise friendly to the federation cause, as evidenced by the pressure brought to bear on the Maritime Province Governments during his term of office.

As a consequence of the second turnover in New Brunswick, that Province and Nova Scotia decided

to send delegates to England to discuss with the British Government and with delegates from Canada the question of British-American federation. The fall of Lord Russell's Cabinet caused some delay, but Lord Carnarvon, who became Colonial Secretary in the new Conservative Ministry of Lord Derby, was a true "Conservative-Imperialist" and a "persistent advocate of . . . federation." [32]

The Maritime Province delegates had to wait for the men from Canada, whose prompt departure was hindered by Fenian difficulties. At last the conference convened at the Westminster Palace Hotel in London, 4th December, 1866.[33] While Carnarvon presided over the later sessions of the conference, and other British officials, as well as Lord Monck, who had gone over for the purpose, assisted it in its work, its decisions were essentially made by the colonial delegates. In London as at Quebec, John A. Macdonald stood out for his skill as a conciliator, and manager of men.[34]

In spite of the stand that had been taken in the Maritime Provinces against the Quebec Resolutions, they were now made the basis of discussion. Indeed, they were modified in few important respects. Two alterations in the scheme were made to meet the expressed wish of the British Government: the pardoning power was transferred from the provincial lieutenant-governors to the Governor-General as the direct representative of the Crown, and the number of members in the Upper House was made slightly flexible as a possible advantage in avoiding deadlock.[35] It had been understood at Quebec that the Provincial Legislature of Canada, in shaping a frame of government for the two new Provinces into which old Canada was to be divided, would provide for the security of the educational interests of the

Protestant minority in Lower Canada. A bill had been brought in but had been withdrawn on account of political exigencies. Galt had left the Cabinet over the matter. Now, as a delegate in London, he obtained an alteration in the federation scheme which guaranteed to Protestant or Roman Catholic minorities in both sections of old Canada the rights regarding separate schools which they previously enjoyed.[36] As for the governments which must be set up in the new Provinces of Quebec and Ontario, provision, made in the last session of the Legislature of the Province of Canada, was now embodied in the new bill.[37]

A name for the new federation was chosen at the Westminster Conference. As old Canada would be split into two Provinces with new titles, that name became available, and it was thought to call the new whole the Kingdom of Canada, thus denoting its relationship to the British Crown and connoting a national status in the empire. But Lord Stanley suggested that this monarchical term might offend the republican susceptibilities of the United States, and accordingly another title was found in the old word Dominion. The aptness of this name may well have appealed to those who believed that soon there would be applicable to the new federation the scriptural passage: "He shall have dominion also from sea to sea, and from the river unto the ends of the earth." It is interesting that the suggestion of the passage is now embodied in the Latin motto on the new Royal Arms of the Dominion, *A mari usque ad mare*.[38]

After the measure had been drafted and re-drafted and finally put into proper form for submission to Parliament,[39] it was introduced by Carnarvon in the

Lords, passed there with little discussion, and then piloted through the Commons by Adderley. As both parties were already committed to the idea, and as the attitude was taken that the scheme must be considered as a whole, being in the nature of an agreement among the Provinces, it was natural that it should arouse little opposition, but it seems at first surprising that it should have excited no more interest than it did. It was an instance of the Imperial Parliament dealing with an imperial project in the absence of mind of most of its members. To the pique of some colonials in the gallery, the House woke up noticeably when it passed to the consideration of a dog-tax bill.[40] The Act received the royal assent 28th March, and on 22nd May a proclamation declared that the three Provinces, Nova Scotia, New Brunswick, and Canada, the last now to be divided into Ontario and Quebec, would be united on the following 1st of July.

Joseph Howe had headed a delegation of opposition in England during the winter, but without avail.[41] He won the sympathy of some men, notably John Bright, with his tale of the will of a people overridden, but his campaign had no chance of success against the indifference of the British public, the desire of the Colonial Office to simplify its problems by shifting some of them on to the shoulders of a federal government, and the wish of large financial interests in London to improve conditions for investment in British America. (The last-named factor was highly important and will be discussed in Part Two.) The repeal agitation that followed the passage of the Act was equally as hopeless as the previous opposition to the bill. The British Government refused to recognise as valid either the contention that

federation was accomplished without properly consulting the Province of Nova Scotia, or the objection that the results were prejudicial to some of its special interests.[42] When Howe at last appreciated the hopelessness of the repeal agitation, he refused to countenance the idea of revolt or of annexation, and allowed himself to be won over by Macdonald and his colleagues to advocating the acceptance of the *fait accompli*, sweetened somewhat by increased subsidies, "Better Terms," to the Provinces. Then he accepted a position in the Dominion Cabinet.[43]

In Howe's leadership lay the greatest strength of the opposition to federation in Nova Scotia. His attitude, in view of his earlier advocacy of colonial union, is the most difficult phase of his whole political career satisfactorily to explain. It were of course utterly unreasonable, merely because federation proved in the long run successful and in a following generation won the approval of most Nova Scotians, to charge him with disloyalty for having opposed it at the beginning. There is no justice in that sort of *ex post facto* verdict on political opinions. Howe had as much right to his own view in this matter as any other man. The difficulty lies in the fact that friends of the federation cause believed him already committed to it; in their eyes his opposition seemed an irrational *volte face*. His own later attribution of his stand to pique that circumstances had given his rival, Tupper, such leadership in the enterprise as he had coveted for himself, seems, indeed, a half-humorous admission of personal weakness.[44] Posterity has been perhaps too ready to seize upon this explanation to the exclusion of other factors. In view of all the circumstances it assuredly seems impossible to believe that personal motives were alto-

gether absent, but, none the less, to explain Howe's position as entirely due to a failure of character were even more unfair than completely to deny any weakness in the man. This at least may be said in his behalf, that it was not entirely inconsistent with his previous general advocacy of colonial union that he should view critically the particular terms embodied in the Quebec Resolutions and in the British North America Act of 1867. And he doubtless believed that in some important respects those terms did not give his Province its full due. Whether their failure to do so should warrant his opposing the whole scheme, only he could decide. Whether he would have decided as he did, had circumstances afforded him a share in framing the terms, and had he thus been able to feel satisfied that they were the best obtainable, is one of those interesting conjectures in which the historian is not supposed to indulge.

NOTES TO CHAPTER X

P. 123, *n.* 1. Regarding certain alterations made in the draft submitted to the Canadian Legislature see Pope's *Confed. Documents*, pp. 38, 42*f.*, 46, 297*ff.*, and his *Memoirs of Sir John A. Macdonald*, vol. i. p. 272; also Gray, *Confederation*, p. 59.

P. 123, *n.* 2. Although many of the later speakers in the debate merely rehashed ideas already expressed by others, nevertheless the speeches of the leaders were on a high plane, and the volume of *Confed. Debates* throws much important light on the course of the federation movement. Extensive selections from the most important speeches are reprinted in Gray, *op. cit.*; Kennedy, *Documents*; Egerton and Grant, *Constitutional Development*.

P. 123, *n.* 3. *Cf.* Toronto *Leader*, 18th August, 1864.

P. 124, *n.* 4. David, in his *L'Union des deux Canadas*, pp. 212*ff.*

P. 124, *n.* 5. *E.g.* Dorion, Holton, Dunkin.

P. 124, *n.* 6. *Cf.* Dilke, *Greater Britain*, p. 61.

P. 124, *n.* 7. N.S., *Journal of Assembly*, 1865, Appendix 3, p. 30.

P. 125, *n.* 8. Hannay, *Tilley*, p. 301. *Cf.* Pope, *Correspondence of Sir John A. Macdonald*, pp. 28*f.*

P. 125, *n.* 9. N.S., *Journal of Assembly*, 1865, p. 93. *Cf.* Saunders, *Tupper*, vol. i. pp. 114*ff.*

P. 126, *n.* 10. Quoted in Haynes, *Reciprocity Treaty with Canada of* 1854, p. 28. The author gives other evidence in support of the conclusion. See also the discussion of reciprocity abrogation in Theodore C. Blegen, "A Plan for the Union of British North America and the United States, 1866" (*Mississippi Valley Historical Review*, March 1918, vol. iv. pp. 470*ff.*).

P. 127, *n.* 11. Chisholm, *op. cit.*, vol. ii. pp. 438*ff.*

P. 127, *n.* 12. Young, *op. cit.*, vol. i. pp. 247*ff.* *Cf.* editorial in Toronto *Leader*, 1st January, 1866. See also Howe to Sir F. Bruce, 15th July, 1865, *Howe Papers*, vol. viii. pp. 591*ff.*; Johnson, *MS. Life of Howe*, p. 190; Watkin, *Canada and the States*, p. 17.

P. 127, *n.* 13. Canadian Archives, *State Book AC*, pp. 3*ff.*, 264*ff.*; also Michel to Cardwell, No. 19, 20th November, 1865; No. 23, 27th November, 1865; No. 33, 18th December, 1865; Monck to Cardwell, No. 25, 14th April, 1866, all in Canadian Archives, *G* 465. A synopsis of the report of the Commissioners is in the *Year-Book and Almanac of B.N.A. for* 1867, pp. 89*f.*

P. 128, *n.* 14. *Cf. supra*, chap. iii. note 27.

P. 128, *n.* 15. Buchanan, *The British American Federation a Necessity*, p. 11. On the use made in Nova Scotia of the Detroit annexation talk *cf.* Saunders, *op. cit.*, vol. i. p. 120.

P. 128, *n.* 16. *Cf.* Martineau, *Newcastle*, pp. 301*ff.*

P. 128, *n.* 17. A phase of American attitude was shown by a bill reported by the Chairman of the Foreign Affairs Committee of the House of Representatives on 2nd July, 1866, to the effect that on acceptance of the proposition by the several British Provinces the President should proclaim their admission as States and Territories.—Moore, *Digest of International Law*, vol. i. par. 116; Watkin, *op. cit.*, pp. 227*ff.* The circumstances of the framing and consideration of this bill are dealt with in detail by Theodore C. Blegen, *op. cit.*

On 27th March, 1867, a resolution from the Committee on Foreign Affairs was passed in the House without opposition, to the effect that the people of the U.S. regarded with extreme solicitude the proposal for confederation on the northern frontier without the assent of the people of the Provinces to be confederated, such a measure being likely to increase the embarrassment already existing between Great Britain and the U.S.—Moore, *loc. cit.* See also *Journal H. of R.*, 40th Congress, 1st Session, p. 125; *Congressional Globe*, 40th Congress, 1st Session, p. 392.

P. 128, *n.* 18. Cartwright, *Reminiscences*, pp. 59*ff.* A Fenian Congress met at New York in January, 1866, and the Canadian papers for the first half of that year are full of tales of their doings. For O'Mahoney's message to the "Congress" on the question of invading Canada see Toronto *Leader*, 13th January, 1866. See also the same paper of 29th January, 30th January, 2nd February, and 18th May. Regarding the precautions taken against the Fenian menace in 1865–6, see many minutes of Council in Canadian Archives, *State Books AC*, *AD* and *AE*, and numerous despatches in Canadian Archives, *G* 465, *G* 466, *G* 176, *G* 177, many of which are printed in Gt. Brit., *Parl. Papers*, 1867 [3785].

P. 129, *n.* 19. Telegram, 15th April, 1866, Canadian Archives, *C* 1672. The portfolio contains a considerable telegraphic correspondence

which Doyle had with Gordon, with military and naval officers and others, concerning the Fenian situation. See also, concerning the Fenians on the Maine border, Buckingham to Monck, No. 61, 26th July, 1867, with enclosures, Canadian Archives, *G* 179; and mention of the subject in a draft of a letter Howe to Galt, 8th March, 1866, *Howe Papers*, vol. ix. pp. 20*f*.

P. 129, *n.* 20. For an account of Gordon's action and the correspondence in the case see Hannay, *Tilley*, pp. 301*ff*.

P. 130, *n.* 21. Canadian Archives, *C* 1672. The despatches in Gordon's letter-book during this period go to show that though ready to admit that the talk of danger on the border was exaggerated for election purposes, he looked upon the danger as decidedly real. Doubtless it was wise to take precautions for defence, not only by the use of naval vessels and regular troops, but also by calling out the militia and enrolling and training special volunteers. It was nevertheless convenient that no sooner were the elections over than he was able to express confidence that the Fenian menace was no longer serious. Special naval protection of the port of St. John was at once dispensed with; the regular troops borrowed from Nova Scotia were sent home; the militia were disbanded; and the special volunteer training units suspended their activities.—Canadian Archives, *C.O.* 189, vol. ix., specially pp. 327, 341, 348, 363.

P. 130, *n.* 22. Despatch of 24th June, 1865, enclosed in Cardwell to Monck, No. 103, 24th June, 1865, Canadian Archives, *G* 174. Printed in Canada, Parliament, 1865, *Papers Relating to the Conferences between Her Majesty's Government and a Deputation from the Executive Council of Canada*, pp. 12*f*.

P. 131, *n.* 23. Gt. Brit., *Parl. Papers*, 1865 [3535]. For the report of the delegates, and further papers not in *ibid.*, see Canada, Parliament, 1865, *op. cit.*

P. 131, *n.* 24. Cardwell to Monck, No. 124, 29th July, 1865, and enclosures, Canadian Archives, *G* 174. *Cf.* Pope, *Correspondence of Sir John A. Macdonald*, p. 30.

P. 131, *n.* 25. *Cf.* Grey, *Colonial Policy of Lord John Russell's Administration*, vol. i. pp. 44*ff*.; Adderley, *Review of Grey's "Colonial Policy,"* pp. 3, 14.

P. 132, *n.* 26. Cartwright, *Memories of Confederation*, p. 89.

P. 132, *n.* 27. Johnson, *MS. Life of Howe*, p. 217. *Cf.* Pope, *op. cit.*, pp. 28*f*., also Saunders, *Tupper*, vol. i. pp. 118*f*.

P. 132, *n.* 28. *Cf.* Bright in *Hansard*, 3rd Ser., vol. clxxxv. p. 1188.

P. 132, *n.* 29. See Cartwright, *Reminiscences*, p. 55; Pope, *Memoirs of Sir John A. Macdonald*, vol. i. p. 273.

P. 132, *n.* 30. Notably Sir Frederic Rogers, long Under-Secretary for the Colonies, who became Lord Blachford. See his *Letters*, pp. 297*ff*.

P. 132, *n.* 31. Martineau, *Newcastle*, pp. 287*f*.

P. 133, *n.* 32. Morison, "The Imperial Ideas of Benjamin Disraeli," *Can. Hist. Rev.*, vol. i. p. 272. The author points out that to Carnarvon, not to Disraeli, "the credit for all the conservative energy in reorganising the new Empire must be given."

P. 133, *n.* 33. See Pope, *Confed. Documents*, pp. 94*ff*., for minutes and some record of discussion. See also Pope, *Memoirs of Sir John A. Macdonald*, vol. i. pp. 311*ff*., 387*ff*.

P. 133, *n.* 34. Blachford, *op. cit.*, pp. 301*f.*

P. 133, *n.* 35. These two had been suggested by Cardwell in acknowledging receipt of the Quebec Resolutions.—Cardwell to Monck, No. 93, 3rd December, 1864, Gt. Brit., *Parl. Papers*, 1865 [3426], pp. 11*f.* Regarding the practical placing of the pardoning power completely in the hands of the Canadian Ministers in 1878 see Todd, *op. cit.*, pp. 270*ff.*

P. 134, *n.* 36. Skelton, *Galt*, pp. 402*ff.* *Cf.* David, *op. cit.*, p. 290.

P. 134, *n.* 37. *Supra*, chap. ix. note 16.

P. 134, *n.* 38. On choice of a name see Pope, *op. cit.*, vol. i. p. 313; Skelton, *op. cit.*, p. 409. Sir Leonard Tilley's son has stated that his father proposed the term "Dominion," struck by its suggestiveness as used in Psalm lxxii. 8.—Leonard P. D. Tilley to George S. Holmested, 28th June, 1917 (Canadian Archives). The Latin motto is from the Vulgate version of the passage quoted.

P. 134, *n.* 39. For the various drafts see Pope, *Confed. Documents.*

P. 135, *n.* 40. *Hansard*, 3rd Ser., vol. clxxxv. pp. 557, 804, 1011, 1164, 1310. *Cf.* William Garvie's account in letter of 15th March, 1867, Canadian Archives, *Stairs Papers*. The Stairs Papers are printed in L. J. Burpee, "Joseph Howe and the Anti-Confederation League" (*Trans. Roy. Soc. Can.*, 3rd ser., vol. x. sect. 2, pp. 409*ff.*).

P. 135, *n.* 41. For the delegation's letter of protest to Carnarvon, with anti-confederation petitions, see Gt. Brit., *Parl. Papers*, 1867 [3770]. *Cf. Stairs Papers, loc. cit.* On the anti-federation movement in Nova Scotia see also Saunders, *op. cit.*, vol. i. pp. 109*ff.*, Longley, *Howe*, pp. 173*ff.*, and Grant, *The Tribune of Nova Scotia*, pp. 137*ff.*

P. 136, *n.* 42. Buckingham to Monck, No. 107, 4th June, 1868, Gt. Brit., *Parl. Papers*, 1867–8 [4036], pp. 8*f.*

P. 136, *n.* 43. Pope, *Memoirs of Sir John A. Macdonald*, vol. i. pp. 301*ff.*; Chisholm, *op. cit.*, vol. ii. pp. 583*ff.*, 599*ff.*

P. 136, *n.* 44. In this connection an interesting story was told the author by the late Sir Mackenzie Bowell. It was related to him by Senator John Boyd of St. John, and concerned a conversation between Boyd and Howe. Said Boyd: "It was your speeches that converted me to confederation." And Howe replied: "If you had a circus, and had got together a good show, and were ready to open up, how would you like it if that fellow Tupper came and stood by the door and collected the shillings?" The late George Johnson, for many years Dominion statistician, a friend and admirer of Howe, voiced the conviction that this element was a crucial factor in determining Howe's attitude.

PART TWO

A DOMINION FROM SEA TO SEA

"I believe that many in this room will live to hear the whistle of the steam-engine in the passes of the Rocky Mountains and to make the journey from Halifax to the Pacific in five or six days."

JOSEPH HOWE, 1851.

"It is my fervent aspiration and hope that some here to-night may live to see the day when the British American flag shall proudly wave from Labrador to Vancouver Island, and from our own Niagara to the shores of Hudson Bay."

GEORGE BROWN, 1858.

PART TWO

A DOMINION FROM SEA TO SEA

CHAPTER XI

COMMUNICATIONS AS LINKS OF EMPIRE

It is already evident from the previous chapters that closely bound up with the project for the federation of British North America was the problem of developing means of communication and transportation. The extension of means of intercourse was essential if scattered communities, linked geographically, not to one another, but to adjacent sections of a powerful and expanding state to their south, were to be united either socially or politically by any such bonds as should give them the right to call themselves a nation. Such development, accordingly, was fundamental both in the solidification and in the expansion of the rising British North American commonwealth. In the east the problem of linking together the older Provinces culminated eventually in the undertaking of the Intercolonial Railway. Expansion to the westward was dependent upon the trail-makers and was also an incentive to their activities. The development of communications from the populous centres of the old Province of Canada both to the Atlantic and to the Pacific presented so vast a problem for a people numbering hardly more than three million, inhabiting half a continent, that it constituted inevitably a powerful factor in the influences that brought about federation.

Dependence of political expansion upon the trail-makers was no new mid-nineteenth century relation-

ship. The New World owed its discovery to the search for a trade route. Then before long French and British, shut by Spain from the new-found southern waters, travelled the bays and rivers of North America with eyes wide for some "north-west passage" which might prove an open way to the opulent East. There were doubters, of course, like La Salle's men, whose derision of their master's dreams is said to have been responsible for the name *La Chine* given to the seigniory at the rapids above Montreal, which the Sulpicians granted him in 1666. But in spite of pessimists the search was kept up with adventurous, often heroic, persistence. That the water passage did exist was proven in the mid-nineteenth century, and at length in the twentieth it was traversed successfully by Amundsen. By this time, however, the achievement was of little practical importance, for the route lay in northern regions inaccessible for ordinary travel and commerce. Meanwhile, moreover, the importance of a water channel had been relatively lessened by the tremendous strides in the development of land transport. For in the nineteenth century, Britain having made good her claims to the northern half of the continent, across which such fur-trade explorers as Alexander Mackenzie, David Thompson, and Simon Fraser had already pushed their way, proving the existence of passable overland routes to the Pacific, the construction of an all-British "iron-road" from ocean to ocean made of the land route a practical "north-west passage" that brought Japan within little more than three weeks' travel from the British Isles.

Linked with the conception of the "north-west passage," of an imperial route to the East, was the desire on the part of men of vision and capital to

promote settlement and trade in the wide new land which that route would traverse. In fact, in the nineteenth century this desire may have had the greater practical potency, though the advantages of a direct route to the Orient furnished valuable talking points. The task of realising the dream of an all-British railway from ice-free water on the Atlantic to ice-free water on the Pacific, a road that would bind east to west and open up the continent's interior to settlement, was closely related to the problem of politically consolidating British North America. The relationship between schemes for railway expansion and for federation will be discussed in its various ramifications in this second part of the book.

In the opening of routes, in the progress of settlement, and in the efforts to create and capture trade, British and British-American activity was constantly spurred on by the assertive rivalry of the expanding republic to the south. From the American Revolution to the war of 1812, the traffic with the Indians of the "Old North-West," the rich wilderness region between the Great Lakes and the Ohio River, was an object of rivalry to the fur traders of Canada and the States. The war of 1812 having finally confirmed American ascendency there, and reinforced anti-annexation sentiment in Canada, it was not long before the westward push of population into this American North-West created opportunities for new and greater rivalries. Competition arose for the growing trade of this region, and it was not limited to the various seaboard sections of the United States, since British America also became an active participant in the contest.

The Erie Canal, begun in 1817 and opened in 1825 to barge traffic between Lake Erie and the Hudson

River, was the seven-million-dollar attempt of New York State to draw to itself the increasing western trade. Canadians not only appreciated the need of improving their waterways to facilitate internal intercourse, but they also craved a share in this new western commerce, and they felt that development of their natural waterways of the St. Lawrence system would make that share large and profitable. Accordingly, under the urgings of William Hamilton Merritt[1] of St. Catherines, and others of like vision, the Government of the Province gradually overcame the obstacles to navigation that had hitherto prevented the passage of vessels between the lower St. Lawrence and the upper Great Lakes, by constructing canals around the falls and rapids. The largest single work in the St. Lawrence River system, the Welland Canal across the Niagara Peninsula between Lake Erie and Lake Ontario, was begun in 1824 and opened in 1829. Between 1841 and 1850 this canal was enlarged and the same decade saw the whole St. Lawrence system opened to navigation for vessels of nine foot draft, at a cost to the Province of about $20,000,000.

Those who pushed the work had been encouraged by the lowering of the British duty on colonial wheat and flour, a preference which fostered the cultivation of wheat, its import from the States, and the industry of grinding it for shipment to England. But three years after its creation this preference was abolished by England's repeal of the Corn Laws. The old navigation laws were also repealed and colonial carrying trade thus thrown open to the world; but Canadians considered this a doubtful benefit and the lower shipping rates which resulted no compensation for the lost preference to colonial shipping.[2] By the middle of the century, then, Canada had a canal

system, but in spite of its great cost, it had failed to draw any considerable proportion of the overseas trade of the United States into British-American channels, although it had proved of decided value in facilitating the opening up and development of the western section of the Province.[3]

An insuperable obstacle to making the canals satisfactory as the sole means of long-distance bulk transport in Canada was their unavailability for nearly half the year on account of ice. The States to the south were establishing a transportation service by means of railways, available for internal traffic and for shipment to ocean ports at all seasons. It was obvious that if the Canadians wished to compete for the trade of the west and to conduct their winter foreign trade without dependence upon those American routes, they must provide Canada with railways of her own, and see that these were extended to the ice-free ports of the Maritime Provinces. In the period of depression in the late 'forties a definite start was made in this direction, and the 'fifties were a period of relatively great railway building in British America.

Long before this, various efforts had been made to improve communications between Canada and the Maritime Provinces. Since early days some mail, particularly official despatches, had been sent by way of the St. John River, by couriers travelling afoot, in canoes, or on snowshoes, only recently and for part of the way in horse-drawn vehicles. The Post Office had long urged improvement of this important route, and in fact postal officials were among those who most highly appreciated the importance of improving interprovincial communications. The first important interprovincial conference was a postal conference at Montreal in 1847.[4] Joseph Howe, who,

as will be seen, was a leader in various attempts to secure an intercolonial railway, may have owed his zeal in part to his close acquaintance with postal affairs, due to the fact that for many years his father and brother had charge of the mails and post office in Nova Scotia.[5] But not until the Intercolonial Railway was completed in 1876 did the bulk of mail between the Maritime Provinces and the St. Lawrence pass directly over British soil; most of it up to that time went through the United States. Even at confederation the mail-coach between Truro and Rivière du Loup went not oftener than three times a week, and carried only a fraction of the mail.[6] The military as well as the postal officials were specially appreciative of the importance of adequate means of communication through New Brunswick to Canada. This phase of the question will appear prominently a little later.

The closing of the St. Lawrence in winter and the undue length of the roundabout voyage through the Gulf had prevented the profitable establishment of an adequate service by water. The most interesting attempt to place a steamer on the Gulf route was made in the early 'thirties. A chief objection urged against the proposals of the 'twenties for a union of all the Provinces had been the lack of appreciable direct trade among them. The Legislatures of Lower Canada and Nova Scotia had offered to subsidise steam communication between Quebec and Halifax, and the Quebec and Halifax Navigation Company was accordingly formed. The *Royal William*, famous later as the first vessel to steam all the way across the Atlantic, was built in Quebec for this company and in 1831 was placed in service. But in less than two years she was sold to satisfy a mortgage.[7]

The steam railway had hardly been invented when the idea occurred naturally to men interested in the problem of interprovincial communications that its best solution would be a railway. In 1827, only two years after George Stephenson had completed the first railway in England, an agitation began in British America for a railway from Quebec to St. Andrews, New Brunswick—"a route," said one of its advocates, Henry Fairbairn, writing in the *British United Service Journal* in 1832, "which will convey the trade of the St. Lawrence in a single day to the Atlantic waters." In eight years the movement gathered such head that, in 1835 and 1836 respectively, the Legislatures of Lower Canada and of Nova Scotia expressed themselves in favour of the project, and in the latter year, that of New Brunswick went so far as to put through an Act incorporating the St. Andrews and Quebec Railway Company. Surveys, towards which the Imperial Government contributed £10,000, were begun in 1836 by Captain Yule of the Royal Engineers. The next year, however, Washington objected to the proposed route, contending that part of the territory traversed belonged of right to the United States. The British Government accordingly ordered the work to be stopped until the boundary line should be settled.[8]

There is no occasion to discuss here the lengthy negotiations regarding this Maine boundary, terminated at last by the Ashburton Treaty of 1842. Suffice it to say that the line then drawn lay approximately midway between those claimed by the respective countries, the United States receiving seven-twelfths and British America five-twelfths of the disputed territory. The result, therefore, so far as the projected St. Andrews and Quebec Railway was

concerned, was disastrous. It banished every hope for an all-British direct route between Canada and the ice-free ports of the Maritime Provinces. The lobe of American territory lying between these Provinces on the east and the Canadian centres on the west meant that a road staying on British soil must follow a roundabout course and a course through inhospitable country, where there could be little hope of developing local traffic commensurate with the greater mileage. The Imperial Government, recognising the military need for an all-British route between the Provinces, shortly instituted a survey for a military road. This was accomplished in 1844 by Colonel Holloway of the Royal Engineers. The route which he explored crossed New Brunswick from the bend of the Petitcodiac, by Boiestown, Grand Falls, the north of Lake Temiscouata and Rivière du Loup to Quebec.[9]

With the abandonment of the St. Andrews and Quebec Railway scheme, construction on any considerable scale was postponed for some time. In 1850, in fact, after fifteen years of building, there were in all British North America only sixty-six miles of railway. Of talk, however, there was plenty during this period, and valuable surveys of a preliminary nature were carried through. It was in 1845, the year of the great railway mania in Britain, that a prospectus was issued there for the Halifax and Quebec Railway. The promoters secured the support of Sir Richard Broun, who was interested in schemes for colonisation on a large scale and for linking the British Isles with the Far East by steamers on the Atlantic and the Pacific and a railway across British North America. Through him, in July 1845, the provisional board of the new company memorialised the Governors of New Brunswick and Nova

Scotia in behalf of their project. They pointed out that the railway would supersede the necessity for the projected military road, and argued that it would promote systematic settlement of the frontier regions.[10] These proposals and the negotiations that followed roused the people of St. Andrews to revive the idea of a railway that would have its ocean terminus there. The Ashburton boundary decision, however, had handicapped that port to such an extent as to put it out of the running. For an all-British line, either St. John or Halifax had obvious advantages, while if a railway from Canada was to enter American territory at all, Portland would be a more convenient terminus than St. Andrews.[11]

The promoters of the Halifax and Quebec scheme gave their project a black eye by using the names of several prominent Nova Scotians in their English prospectus without the sanction of those gentlemen, who, when they learned of it, publicly repudiated the connection. Lord Falkland, however, the Governor of Nova Scotia, was convinced that the scheme was both practicable and desirable alike to the Mother Country and to the colonies, and he asked the Home Government to send out engineers to make an accurate survey. He suggested also that as such a railway would fulfil the purpose of the proposed military road, Great Britain might well spend on the former some of the money which would otherwise be spent on the latter.

A larger aspect of the importance of the railway project as it appeared to the more progressive minds of the time was developed by Sir John Harvey, Falkland's successor as lieutenant-governor, in his opening address to the Nova Scotia Legislature in January 1847. He spoke of this railway as worthy of their continued attention, and characterised it as

a project second to none which had ever engaged the legislature of any British colony, and as one which would "constitute the most important link in the great line of communication, which may be destined at no remote period to connect the Atlantic with the Pacific Ocean, and to conduct to a British seaport, from those into which it is now forced, that vast stream of trade, not of our own Western possessions alone, but of the rich and extensive wheat and grain growing districts of all central America." [12] The question of a Pacific railway will be reverted to later; for the present, attention may be confined to the narrower problem that was now of more immediate concern.

At the time of Lord Falkland's request to the British Government, Gladstone was Secretary of State for the Colonies. His reply was cautious regarding the question of granting financial aid, but the Royal Engineers were instructed in April 1846 to make the survey. In the same spring the three Provincial Legislatures passed resolutions, in Nova Scotia on 4th March, New Brunswick [13] on 2nd April, and Canada on 26th May, not only affirming the necessity for the survey but binding each Province to make good the expense within its own limits. The work was begun that summer by Captain Pipon and Lieutenant Henderson and continued in 1847 by Major Robinson, who made the final report of his survey 31st August, 1848.[14] Of the several routes considered, he recommended that which passed northward near the east coast of New Brunswick to Bay Chaleur and thence up the Metapedia valley, virtually the one adopted twenty years later. He considered it simplest from an engineering point of view because of its proximity to the sea, and argued that it would

do most to develop the commerce and fisheries of New Brunswick and thus be the most remunerative line. Against the objection that it was the longest of the possible routes, he also set the fact of the military advantage which would result from its remoteness from the frontier in case of war with the United States.

Though the survey had been made, there was destined to be no intercolonial railway for many years. The chief factors in the failure of the scheme were two, the problem of financing it and the question of choosing the route. Where was money to be found? There was little capital in the Provinces, and the British investing public was a long way off. The British Government, moreover, disappointed the hopeful ones by refusing to "submit to Parliament any measure for raising the funds necessary for the construction" of the railway to Quebec.[15] In 1850 delegates returned to the Maritime Provinces from a railway convention held at Portland, Maine, with proposals for a "European and North American Railway" between Halifax and Portland, to be built largely by the aid of American capital. In preference to this, Joseph Howe launched in Nova Scotia the policy of construction by the Provincial Governments. The only alternative then seemed to be to entrust the task to American capitalists. As Sir John Harvey reported the matter to the Colonial Office, his Government had "to decide whether they would stand aloof . . . and allow a great highway, which in peace would be a thoroughfare of nations, and in war might be of vast importance, to be constructed and controlled by foreign capitalists; or should at once grasp the enterprise, and by the aid of the public funds and credit, discharge towards the country the

highest and most legitimate functions of a vigorous Executive." [16]

But if the Provinces were willing to shoulder the burden themselves, still they felt financially too weak to do so unless they could secure the necessary loans upon such favourable rates of interest as could only be obtained with the help of an Imperial guarantee. Howe, aiming principally at securing aid for the railway to connect his Province with the American roads, but not unmindful of the desirability of a line to Canada as well, accordingly went to England to urge the matter upon the attention of the authorities there. So far successful was he that Earl Grey agreed in March 1851 that the British Government would guarantee the interest on the required loans on the stipulation that the line to Canada be built wholly through British territory.[17] While it need not follow the route advocated by Major Robinson, any deviation therefrom must, he said, be subject to the approval of the Home Government.[18] In June, Howe, with E. B. Chandler of New Brunswick, went to Toronto, where the Canadian Legislature was then in session, and in a conference there it was agreed that measures should be introduced in the three Legislatures for the construction of the railway from Quebec to Halifax on joint account.[19]

Before the New Brunswick Legislature could meet, there was a new turn of events. Howe had understood and reported that the British guarantee would not only apply as regarded the line from Halifax to Quebec, but would also cover the so-called European and North American Line connecting that road with the Maine frontier *via* St. John. Word now came from London that the Government there, while not objecting to the Provinces building both lines, would

not include the cost of the second under its guarantee. Now the chief interests in New Brunswick centred in the south and the St. John valley, and the Legislature was therefore not willing to support the project for an intercolonial railway that would pass that region by far to the east unless the link with the American road should be constructed under the same terms. In order to see what chances there might be of overcoming the difficulty, Messrs. Hincks, Taché and Young of the Canadian Cabinet went to Fredericton, and after satisfactory conferences with the local Ministers proceeded to Halifax, accompanied by E. B. Chandler, in the hope of persuading the Nova Scotia Government to back a modification of the former proposals. The new scheme was that the Halifax and Quebec railway should follow the St. John valley, and that the cost should be borne by the Provinces in the proportion of three-twelfths by Nova Scotia, four-twelfths by Canada, and five-twelfths by New Brunswick. After some opposition Howe and his Government assented, and early in 1852 Hincks, Chandler, and Howe were appointed delegates from their respective Provinces to go to England and submit the new scheme to the Imperial Government. Hincks sailed on 4th March, and Chandler a fortnight later, but after they had waited six weeks they received word from Howe that he would not be able to join them at all. They accordingly had to pursue the negotiations without him. The new Derby Government, with Sir John Pakington at the Colonial Office, decided that while they would fulfil the pledge of the previous administration and guarantee loans to build a railway on the line recommended by Major Robinson, they were unwilling to approve of the proposed transfer of the

route to the St. John valley.[20] The failure of the Provinces' attempt to gain Imperial backing for a joint railway project compelled its abandonment for the time being.

NOTES TO CHAPTER XI

P. 146, *n.* 1. See "The Late William Hamilton Merritt and the Reciprocity Treaty," *British American Magazine*, vol. i. pp. 249–258.

P. 146, *n.* 2. *Ibid.*

P. 147, *n.* 3. In 1865 William Kingsford, civil engineer, dissatisfied with the slight attention given at the Quebec Conference to the canal question, put forth a work on *The Canadian Canals: Their History and Cost, with an Inquiry into the Policy necessary to Advance the Well-being of the Province.* Pointing out that the development of the canal system had brought prosperity to Upper Canada by supplying the much-needed means of easy communication with the seaboard, he argued that they now no longer sufficed for the wants they had created. For the full prosperity of the Canadian lake region the canals should be enlarged sufficiently to allow the passage of ocean-going vessels. Montreal would of course lose some of her profitable transhipping, but the lake ports would receive more than an offsetting advantage and much trade of the American west would also be attracted to the St. Lawrence route from the rival channel of the Erie Canal and Hudson River. The author's purpose, he says, is that "of directing the public mind to consider what position the Canada of the lakes will hold in the new Confederacy, in the matter of internal navigation."—P. 8. The proposed Halifax railway he considers "utterly valueless to the west."—P. 9. Specifically, he criticises the sixty-ninth resolution of the Quebec Conference for its vagueness. "By implication," he says, "the language of the resolution holds the improvement of the canals is not of immediate and paramount necessity. As a consequence, that improvement may be called upon to yield precedence to a measure, which for many years can have no possible bearing upon Canadian interests. . . . The future accordingly is unassured, uncertain and unsatisfactory."—P. 16.

P. 147, *n.* 4. Smith, *History of the Post Office in B.N.A.*, pp. 268*ff.*

P. 148, *n.* 5. *Ibid.*, pp. 243*ff.*

P. 148, *n.* 6. *Ibid.*, pp. 327*f.*

P. 148, *n.* 7. Johnson, *First Things in Canada*, p. 180.

P. 149, *n.* 8. Fairbairn's article is quoted at length in Burpee's *Sandford Fleming*, p. 74. This early project was for a railway for wagons. For a fuller account see Fleming's *Intercolonial.* The first five chapters of this final report of the engineer-in-chief of the I.C.R. contain an account of the pre-confederation agitation for and progress towards an intercolonial railway. Copies of the inter-

national correspondence on the matter, and that between the Colonial and Foreign Offices, are enclosed with copy of Glenelg to Harvey, No. 18, 8th June, 1837, and Separate of same date, Canadian Archives, *Durham Papers*.

P. 150, *n.* 9. Fleming, *Intercolonial*, p. 40.

P. 151, *n.* 10. For details of the several routes projected see *ibid.*, p. 42.

P. 151, *n.* 11. Mr. William Bridges, formerly of the Halifax and Quebec Railway, who had brought that project to the attention of Sir Richard Broun, became secretary of the London board of the St. Andrews and Woodstock Railway Company. In 1847 Lord Ashburton took an interest of five hundred pounds in this company, because, he said, "I feel so strongly interested in the settling of your fine Colony." By the St. Andrews and Canada Railway Company a line was finally constructed over the ninety-four miles to Woodstock.—*Ibid.*, p. 43.

P. 152, *n.* 12. Quoted in *ibid.*, p. 45.

P. 152, *n.* 13. *Reports Relating to the Project of Constructing a Railway, and a Line of Electro-Magnetic Telegraph through the Province of New Brunswick from Halifax to Quebec* were presented to the N.B. Legislature 3rd February, 1847. They made a bulky pamphlet of one hundred and fifteen pages. It is a curious indication of the stage of railway development that one finds J. Wilkinson of the Provincial Surveyor-General's Department advocating the use of wooden rails after the example of South Carolina.

P. 152, *n.* 14. For the report, with an excellent large scale map, and relevant papers, see Gt. Brit., *Parl. Papers*, 1849 [1031].

P. 153, *n.* 15. Earl Grey, Colonial Secretary, refused in a despatch to Sir John Harvey, July 1850, quoted in Chisholm, *op. cit.*, vol. ii. p. 92. On Howe's connection with the project see *ibid.*, *passim*, and especially chap. xvii.

P. 153, *n.* 16. Harvey to Grey, 29th August, 1850, *ibid.*, p. 97. This referred more particularly to the railway to connect Halifax *via* Truro and St. John with Maine, the primary object of Howe's going to England.

P. 154, *n.* 17. The guarantee of interest on £7,000,000 to be spent on intercolonial railways was confidently expected to "secure the completion of those works at a little more than one-half of what they would cost without the direct interposition of Imperial credit."—From a resolution of satisfaction moved by Howe at a Halifax meeting, 15th May, 1851.—*Ibid.*, p. 184.

P. 154, *n.* 18. Nova Scotia Legislature, *Railway Correspondence. Nova Scotia Delegation. Despatches laid before the Legislature in the Session of* 1851, *on the Subject of the Halifax, Quebec, and Portland Railroads*. Also in Gt. Brit., *Parl. Papers*, 1851, [1344] and [1382].

P. 154, *n.* 19. Hincks, *Reminiscences*, p. 201.

P. 155, *n.* 20. Howe later accused Hincks of wilfully securing this decision at the corrupt instigation of and in co-operation with certain railway interests in England. The charge, however, was never substantiated.—Chisholm, *op. cit.*, vol. ii. pp. 269, 311. For Hincks' denial and refutation see his *Reminiscences*, pp. 242*ff*. For his account of the negotiations among the Provinces and with the British Government at this time see the same work, pp. 201–222, 438–450, containing a large part of the official memoranda and correspondence.

CHAPTER XII

THE GRAND TRUNK ERA

The proposal to secure Imperial assistance in building an intercolonial railway was not revived for several years.[1] Meanwhile the Provincial Governments forthwith set about, each on its own account, promoting the building of railways within their respective borders. Chandler, while in England, entered into negotiations with the great firm of Peto, Brassey, Jackson and Betts, and in September of the same year, 1852, New Brunswick contracted with this firm for the construction of a railway from the eastern to the western border of the Province, under private ownership but with the Province as a large shareholder and bondholder. The surveys made such progress that construction was begun one year later, only to cease, however, in 1854 as a result of the financial crisis brought by the Crimean War. After two years, the Government refusing to give further aid to the contractors, the latter withdrew and the Government proceeded with the work, opening to traffic, in 1860, the 108 miles from St. John to Shediac on the Strait of Northumberland. During these years a line was pushed slowly north from St. Andrews, but at confederation it reached only one-third of the distance to the St. Lawrence. Howe was insistent that Nova Scotia should adopt the policy of public ownership. In spite of this, however, the Brassey firm in 1853 secured a contract,[2] but the financial situation forcing them to relinquish it, in the next

year the Province returned to Howe's policy and in the spring of 1854 the Legislature authorised a provincial loan. Work was begun that summer and in 1858 the sixty-one miles between Halifax and Truro, with a branch to Windsor, were opened to public traffic.[3]

Canada's railway career during this period was less simple than that of the Maritime Provinces. A definite Government policy in regard to the problem was worked out there largely as a result of the activity of Francis Hincks, the Inspector-General or Finance Minister. In 1849 he introduced in the Legislature the first measure for Government aid. Its title indicates the nature of the policy. The bill was "To provide for affording the guarantee of the province to the bonds of railway companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Railway."[4] The Government were authorised to guarantee interest at six per cent. on railway bonds up to one-half the cost of construction for lines not less than seventy-five miles in length chartered by the Province. The new policy proved encouraging, and several lines took advantage of its provisions. So indefinite was the extent, however, to which the Province might become liable under the guarantee provision of this Act, that the London financial agents of the Government, Messrs. Baring Bros. and Co., and Messrs. Glyn, Mills and Co., felt that the provincial credit might suffer impairment.[5] Accordingly in 1851 the aid was limited to one trunk line, though continued also to the Great Western (Niagara to Detroit) and the Ontario, Simcoe and Huron, later known as the Northern (Toronto to Collingwood), which had already taken advantage of the Act of 1849.[6] It has been

noticed that this Canadian policy contemplated not only the building of railways in Canada, but also the linking of those lines with Maritime Province winter ports by means of the Halifax and Quebec Railway. With the failure of the latter project in 1852 came a change in Canadian governmental policy, a change which involved eventually the building of the Grand Trunk Railway with an ice-free Atlantic terminal at Portland, Maine.

Before these new developments are considered it should be noted that Portland occupied a peculiar position in relation to the railway problems of the British Provinces. Canada had long realised the desirability of securing an outlet to ice-free ports. It was impracticable under early tariff restrictions to seek such an outlet nearer than the Maritime Provinces. In 1845, however, the United States Congress passed a bill which altered the situation materially in that it provided for drawbacks of customs duties on through traffic. Forthwith there developed an extensive forwarding trade through the New York canals to Western Canada.[7] Montreal wished for this new traffic; moreover, she saw an opportunity to draw to herself the export trade not only of Canada West but also of the grain-shipping states south of the lakes. The ship navigation of the upper St. Lawrence gave that route an initial advantage over one dependent upon barge canals, but the additional advantage arising from the fact that Montreal was nearer than New York to Liverpool was offset by the closing of navigation in the winter. If, however, thought the merchants of Montreal, a railway should be built to Portland, less than three hundred miles away and two days on the voyage from New York to the British Isles, could not Montreal, availing her-

self of the bonding privilege, compete successfully with New York and Boston and become herself the entrepot of the overseas trade of the West? Such a railway, too, would give entrance for Canadian products into the New England market. Portland, likewise, had dreams of becoming one of the great shipping centres of the Atlantic seaboard, of drawing rich tribute from the foreign trade of Canada and of the American West *via* this Canadian route.[8] The aspirations of Montreal and of Portland being thus complementary, co-operation between the two centres was to be expected. In 1845 the Legislatures of Canada and of Maine passed Acts incorporating respectively the St. Lawrence and Atlantic Railroad and the Atlantic and St. Lawrence Railroad, for the express purpose of constructing a continuous line between the two cities.[9]

Portland was interested, as we have seen, in establishing connection also with St. John and Halifax. John A. Poor, her chief promoter, hoped to make his city the focus of the through traffic of his own country as well as of Canada. A railway, from Portland to Halifax or perhaps to Canso, and a line of fast steamers thence to Ireland, would so shorten the sea voyage and lessen the total time consumed by the journey from the States to Europe, that he thought much of the passenger and mail traffic of North America would seek that route. It was through Poor's instrumentality that, chiefly to push this scheme for a "European and North American Railway," an international railway convention met at Portland in July 1850.[10] Portland's ambition was similar to that of a number of cities in the eastern United States which held railway conventions in 1849 and 1850, each considering ways and means to make

itself the chief terminus of the much-talked-of railway to the Pacific, interest in which had been suddenly stimulated by the discovery of gold in newly conquered California.[11] But Portland was not the least of these in her ambitions; she hoped to draw the traffic of Canada as well.

The Maritime Provinces enthusiastically endorsed the desirability of a railway along the route proposed at Portland, but, as has been seen, they sought its construction under their own rather than foreign auspices. Howe's unavailing efforts to secure British Government aid for such a road along with the kindred Halifax and Quebec line have been already sufficiently described.[12]

When the Hincks-Chandler compromise proposal for shifting the latter line to the St. John valley route likewise failed to secure Imperial aid, it was not long before the British railway interests already mentioned as obtaining short-lived contracts in the Maritime Provinces became the chief factor in the phenomenal railway development of the next decade in the Province of Canada. The fact that Hincks now played into their hands was a particularly bitter pill for Howe, as their influence had been used against him in the Nova Scotia elections of 1851.[13] The firm of Peto, Brassey, Betts and Jackson (the order of the names varied in different contracts) has been called "the most noted firm of contractors in railway history."[14] Having built one-third of the railways of Great Britain, and also lines in France, Spain, Italy, Prussia, and India, they were on the look-out for new worlds to conquer when in 1851 Howe conducted his vigorous publicity campaign in England for the building of railways in British America. That same year they sent an agent, C. D. Archibald, to Toronto to present their interests to the Canadian

Government, and he explained as follows the situation in which they then found themselves. "In the course of their gigantic operations," he said, "an army of dependents and retainers, amounting to several thousands, has sprung up; and for these they feel bound to provide employment. A large division of this veteran force, consisting of artisans and skilled labourers, regularly organised under their Clerks of Works, Architects, Surveyors and Foremen, were upon the point of being removed and domiciled in France, when influences were brought to bear upon their employers, which induced them to turn their attention to British North America." [15]

Such a strong case were these contractors able to make, that when Hincks journeyed to England in the spring of 1852 he went empowered to negotiate with them for the construction of the trunk line which he then hoped could be built under Government ownership by means of the expected Imperial guarantee of interest on provincial loans for the purpose up to £7,000,000. Colonial hopes for a guarantee at this time proved illusory, but their abandonment did not involve the failure of the rest of Canada's railway programme. While the Quebec-Halifax project had to be dismissed for the time, in Canada as in the Maritime Provinces there were other important lines to be pushed forward. Early that spring the Canadian Parliament passed legislation providing for three alternative policies. Should the guarantee materialise, the trunk line westward through the Province would be built, so far as possible, from the proceeds of the guaranteed loan. Otherwise the Province and interested municipalities might undertake the work on their own resources, or, should this also prove impracticable, the opportunity

might be opened to private companies with a provincial guarantee of half the cost, both principal and interest. This aid was to be limited to the three roads already building, the St. Lawrence and Atlantic, the Northern, and the Great Western, and to such roads as might form part of the trunk line. Two of these, the Montreal and Kingston, and the Kingston and Toronto, were chartered provisionally, the charters to go into effect by proclamation upon failure of the other plans.[16]

When it came to the carrying out of this third line of policy, Hincks played into the hands of the Brassey interests. Negotiating with them in England he found that upon the failure of the guarantee they were willing not only to contract to build but also to furnish capital for the enterprise, and he came to an informal understanding with them.[17] Upon his return to Canada the charters of the Montreal and Kingston and the Kingston and Toronto were put into force by proclamation, apparently with the expectation that the British contractors would do their furnishing of capital for the enterprise by taking most of the stock in these companies. The Canadian promoters, however, wished to retain control and, headed by Galt, Holton, and Macpherson, made a great effort to that end by subscribing for the whole of the authorised capital. This move threatened to be successful; accordingly Hincks introduced a bill for the incorporation of the Grand Trunk Railway Company of Canada in order to give his protégés their desired opportunity, and the Legislature's support was won for the British interests by the assertion of his political power and the highly skilful lobbying of Henry Jackson, a partner in the Brassey firm. In addition to the contracts already mentioned which

that firm had secured, was one for the construction of the Quebec and Richmond, to connect at the latter place with the St. Lawrence and Atlantic, and it now obtained from the Parliament a charter to build a line, the Grand Trunk of Canada East, from Quebec to Trois Pistoles.

But not yet was the fight over between the British interests and those of Montreal. Galt was president of the St. Lawrence and Atlantic, and he proposed by combining that line with the Montreal and Kingston and building a connecting bridge at Montreal to undercut his rivals. The threat of competition resulted in a fusion of interests. Late in the session "a bill was passed authorizing the amalgamation of the Grand Trunk Companies with other companies; and it was provided that the Government, in consideration of the guarantee, (£3,000 per mile) should nominate one-half of the directors, with the view of protecting the public interests." [18]

In the personnel of the new company various interests were represented. Of the nine Government directors, five were Cabinet Ministers, including the Solicitor-General, John Ross, "who was appointed President through the influence of the English contractors, who held the control of the stock." [19] While, as Galt stated later, when the company had fallen upon hard times,[20] Messrs. Peto and Co. "were the parties whom every one regarded as responsible for the carrying out of the enterprise," yet it is evident that Canadians very prominent in the political and business life of the country were closely associated in the organisation. It should also be remarked that the English banking houses of Glyn and of Baring, the latter for generations a leader in economic imperialism far beyond the borders of the

empire, were not only closely connected with the English contractors, but were also the financial agents of the Canadian Government.

The amalgamation scheme, the details of which were worked out in London in 1853, of course derived increased importance from the possibilities which it opened up for unified control of through traffic. We have Hincks' word for it that, so far as the guarantee itself was concerned, the Grand Trunk Railway was not promoted by the Government with an eye to such through traffic,[21] but the amalgamators themselves certainly saw, if indeed they did not exaggerate, the possibilities that lay therein. In addition to bringing together all the Canadian roads east of Toronto they leased for 999 years the Atlantic and St. Lawrence, through Maine to Portland, then on the point of completion.[22] The final step was to secure a connection with the American west. The Great Western, to Detroit, refused to be absorbed. A charter had been granted, however, for a road from Toronto *via* Guelph to Sarnia which would serve the same end, and the contract had gone to Gzowski and Co., a newly organised company consisting of C. S. Gzowski, D. L. Macpherson, L. H. Holton, and A. T. Galt. Their English agent was Alexander Gillespie, "an eminent Canadian merchant of London,"[23] and he and Galt managed to have their line accepted for the amalgamation.

An enthusiastic prospectus was drawn up. Galt had a large hand in it, the others who took part in its preparation being, according to his own account,[24] Peto and Co., Glyn and Baring, A. M. Ross, the chief engineer, who had accompanied Jackson in his year's study of the Canadian situation on the ground, Hon. John Ross, Hon. George Pemberton, Captain Rhodes

and Forsyth, the last two of Quebec and interested especially in the Quebec and Richmond. The system when completed would contain over 1,100 miles of railway and be therefore the largest in the world. Extravagant claims were made for its future. Drawing to itself the whole traffic between west and east, it was expected to yield an annual revenue of nearly £1,500,000, "which, with working expenses at *forty* per cent. of revenue, and debenture interest and £60,000 for lease of the Atlantic and St. Lawrence Railway deducted, would leave £550,000 or 11½ per cent. on the share capital" of £9,500,000.[25]

Construction began forthwith, and was carried forward at a rapid rate. In 1856 the opening of the road was formally celebrated at Montreal, and by 1860 it extended from Lake Huron to Rivière du Loup on the lower St. Lawrence, with the line also from Richmond to Portland that had been opened to traffic in 1853. To the Brassey firm went the contract for building most of the line and the Victoria Bridge across the St. Lawrence at Montreal. Gzowski and Co. secured that for the section from Toronto to Sarnia, and the members, Galt, Holton, Macpherson, and Gzowski, all made fortunes. That the English contractors could claim to have lost a million pounds may have been due in part to their lesser acquaintance with labour conditions in a frontier democracy, perhaps also to the fact that they had to take part of their pay in depreciated bonds and stock instead of in cash.[26]

When the Grand Trunk Company was organised Canada was at the flood tide of prosperity. Half of the capital was then issued and went on terms favourable for the company. The Crimean War, however, soon greatly raised interest rates, and in

Canada the rapid railway expansion, with the great influx of capital involved, led to an inflated prosperity that could not last. In 1861 the company claimed to have spent to date over $75,000,000 in building and equipping the Grand Trunk Railway, including the Victoria Bridge. Galt estimated in 1860 that on railways of the country more than $100,000,000 had been spent between 1849 and 1859. Between 1852 and 1860 the Government also spent over $11,500,000 on canals. All this meant the introduction of a relatively large amount of capital into the country when it is considered that the population in 1851 was only 1,842,261.[27] The rise in prices made difficulties for the contractors that were augmented by the company's shortage of funds. The company held that the Government had made themselves responsible for its solvency, and the Government, with members actively interested in the affairs of the company, recognised such an obligation by putting through a bill in 1855 for supplying further aid.

There had been strong opposition to the terms of the original grant in 1852, but since the country had become heavily involved in the railway's affairs,[28] it was felt by John A. Macdonald and some others who had opposed the earlier measure that it was now the Government's duty to see the enterprise through and thus save the country from the loss that would follow its collapse. George Brown and Sandfield Macdonald, however, stood out against the new loan, contending that there was too close a connection between the Government and the railway company. There was ground for the charge. The president of the latter, Ross, was not only a Minister, but Speaker of the Legislative Council as well. Cartier and Hincks were shareholders, and the former had been the railway's

solicitor. Members of the Opposition, too, were or had been heavily interested, notably Holton and Galt. Regarding Galt, Sir Joseph Pope tells a story that is worth repeating. "That gentleman," he says, "was supposed by some members of the Opposition to be so closely identified with the railway that, when, in 1858, Mr. Cartier announced the personnel of his Ministry" [this was the occasion when Galt went over to the Government, carrying with him the federation plank], "W. L. Mackenzie, who never was remarkable for self-control, shouted at the mention of Mr. Galt's name, 'Grand Trunk Jobber,' and, according to the account of the debate, became 'very much excited, and stamped and gesticulated in a most ferocious manner.'"[29] As a matter of fact, Galt had severed his connection with the railway upon entering politics, and in any event evidence shows that connection to have been quite honourable.[30] The system of having Government nominees on the board of directors of the road was done away with in 1857,[31] but that action neither ended the personal interest of leading members of Government and Opposition in the company's affairs, nor made it any less essential to prevent disaster overwhelming the railway.

Aid was given, and not always by direct methods, such as additional guarantees and loans, and postponements of the company's obligations. An instance of another sort than these occurred in 1859, when Galt, by redeeming from the provincial treasury $100,000 of Montreal debentures, made what amounted to an unauthorised advance to the Grand Trunk Railway. It is an interesting commentary upon railway politics that the fall of the Taché-Macdonald Ministry in 1864 was occasioned by a motion of Dorion censuring this action of Galt's five

years before.[32] The root of the troubles under which the company laboured has been well characterised as the fact "that the road was not built solely or even mainly with a view to operating efficiency and earning power. It was the politicians' road, the promoters' road, the contractors' road, at least as much as the shareholders' road." [33] Early promises were not fulfilled. A commission that reported upon the railway's affairs in 1861 had to say that the running expenses in the last two years had been not merely forty per cent. of the receipts as anticipated, but eighty-five per cent., and that there was mismanagement and defective organisation to a very serious extent.[34] Edward Watkin, sent out by the London directors in 1861 to try to pull the tangle into shape, wrote in a private letter home: "The management of this railway is an organised mess—I will not say, a sink of iniquity. I shall, however, know all about it before I have done with it." [35]

In spite of politicians, nevertheless, the Grand Trunk Railway was probably worth what it cost the public. It might have been better for the shareholders, and probably would have resulted in more efficient service to the public which used the road, if the line had been built under local control even though more slowly.[36] Galt and his friends, however, though they might have been better able to fit the work to the economic circumstances and needs of the colonial community than was a control centred in London, yet were hardly the men to have eliminated politics altogether. Moreover, considering the whole story of the struggle for federation and its final accomplishment, the question may well be asked whether it was not an important asset to the friends of that movement in British America that powerful

financial and industrial leaders in the Old Country, having become vitally interested in the economic development of the colonies, became in consequence a highly influential factor in pushing the federation project through to a successful completion. For by using their power to this end they were not only making more secure their existing interests, but were increasing the opportunity, they hoped, for further profitable undertakings on an imperial scale. The connection became particularly marked in the early 'sixties. Before taking up the story of the revival of the intercolonial railway scheme at that time, a revival which Dorion charged was due to the machinations of Grand Trunk officials who wanted to make another haul at the public purse,[37] some account should first be given of the earlier unsuccessful attempt to revive the project in 1857 and 1858.

In the summer of 1857 delegations went to England from Canada and Nova Scotia, John A. Macdonald and John Rose from the former, and from the latter J. W. Johnstone and A. G. Archibald, and New Brunswick also urged upon the Imperial Government in the same year the necessity of the latter giving aid for the building of the five-hundred-mile link which was still needed to connect the railways of Canada with those of Nova Scotia. The outbreak of the Indian Mutiny, however, made emergency calls upon the British exchequer, and the Government accordingly felt unable to ask Parliament to vote aid to the intercolonial railway project.[38] The Provinces did not drop the matter there. On the recommendation of John A. Macdonald, the Canadian Government suggested to the Governments of Nova Scotia and New Brunswick that each Legislature send an address to the Crown at the next session and

that there be a meeting of representatives from the three Provinces to arrange a united mode of action in the matter.[39] Delegates were again sent to England in this year (1858): from Canada: G. E. Cartier, John Ross, and A. T. Galt; from New Brunswick: Charles Fisher and A. J. Smith; and from Nova Scotia: Charles Tupper, W. A. Henry, and R. B. Dickey.[40] Once again, however, on the ground of expense, the plea for aid to complete the Intercolonial was rejected by the British Government, and the colonial authorities had the poor consolation of being assured that objects even more urgent could not be provided for at that time.[41]

The arguments in favour of an early completion of rail connection between Quebec and Halifax advanced in the course of these negotiations of 1857 and 1858 followed two main lines. The military advantage if not necessity of such a road was emphasised on the one hand, and on the other it was contended that an intercolonial railway was a necessary precursor of the political union of British North America.

The United States had not yet become the military power which the Civil War was soon to develop and which was to assume the appearance of a real menace in the eyes of British Americans, but even in 1857 the advocates of the wished-for railway were able to conjure up, in their own minds at least, considerable fears of external aggression, for protection against which the railway was vitally necessary. The Canadian delegates said that they saw "little fear of any causes of difference between the Colonies and the United States," but pointed out that in any Imperial dispute with the United States, Canada would become the battleground as she had been in the war

of 1812. In such an eventuality the Imperial Government would find itself unable to perform its share unless there were available such means of proper access to the country at all times and seasons as the railway would provide.[42]

The Nova Scotians seemed to take a somewhat less optimistic view of the American attitude. "None more than the inhabitants of Nova Scotia," they said, "appreciate the advantages of peaceful relations with the United States. They, however, who are placed in close proximity are less credulous than others may be as to the impossibility of hostilities between the two powers. And yet it is apparent to all that the foreign relations of no Government are so subject as those of the United States to the influence of popular impulse or of party interests. This consideration, illustrated as it recently was by the enlistment dispute,[43] sufficiently indicates that a policy founded on the assumed impossibility, or high improbability, of hostilities with that people, must be deficient in the forecast that seeks by timely and suitable preparations to prevent aggression or successfully to repel it." In the same despatch Johnstone and Archibald urged that the railway would so improve intercolonial communications that "the knowledge of its existence would tend to avert hostilities that otherwise might grow out of a sense of comparative impunity attendant on aggressive movements. Not less than seven lines of American railroads," they added, "lead through the United States to the borders of Canada, and give the means of rapid hostile approach; not a single line of British Railroad connects the Provinces together, or affords communication from the Atlantic Shore through national territory. Of the three routes by which

Canada is reached, viz.: by the St. Lawrence, by lines of railroad that traverse the United States, and through the wilderness, the latter would alone be available for the transport of troops or munitions of war, in the case of hostilities, commenced or threatened at the beginning of winter." [44]

In this communication to the Colonial Secretary in August 1857, the Nova Scotia delegates dilated also upon the favourable influence that an intercolonial railway would have upon the question of a union of the Provinces, and dwelt upon the importance of the latter problem. They pointed out that Canada, New Brunswick, and Nova Scotia were each in close commercial relations with the United States,[45] while the means of intercommunication between Canada and the Lower Provinces was "utterly insignificant in the contrast." And they continued: "The result is ignorance and indifference as regards each other, with little concern or ability for mutual benefit. An intercolonial railroad would give the means of communication at present wanting. It would open to Canada an Atlantic seaboard on British soil, from which she is now cut off; and it would offer to the Lower Provinces a ready access to the vast field of enterprise and progress occupied by their fellow subjects in the interior. It would prove a benefit of incalculable value, should it be the precursor of, as it is an absolute necessity towards, a legislative union of Her Majesty's North American Provinces,—a measure essential to the full development of the power which their situation and character are calculated to confer and without which they never can attain the high position to which their united energies and advantages would lead them. . . . While Canada remains cut off from communication with the Lower

Provinces and with the Atlantic shore on British territory, the tendencies to alienation between her and the sister Provinces and to the approximation of all the Colonies to the United States must strengthen and mature."

In the memorandum signed by the delegates of the three Provinces in October of the next year (1858), the argument was again used that the railway would bring together and consolidate the British North American Provinces. Emphasis upon this argument was to be expected in view of Galt's entry into the Canadian Cabinet in August 1858, carrying with him a new plank for the Government's platform, the policy of federation. When he went to England with Cartier and Ross it was not merely to join with the delegates of the other Provinces in asking aid for the Intercolonial, but also, as is recounted above in Chapter III., to urge upon the Imperial authorities his federation scheme, the fundamental features of which were practically the same as those actually applied a few years later.[46]

NOTES TO CHAPTER XII

P. 158, *n.* 1. Newcastle was considering the project in 1853, but the Crimean War intervened and prevented progress till 1857, when negotiations were resumed.—B.N.A. Delegates to Sir E. B. Lytton, 26th October, 1858, Canadian Archives, *G* 158. Printed in Gt. Brit., *Parl. Papers*, 1859 (*Sess.* 2), No. 112, pp. 3*ff.*

P. 158, *n.* 2. Skelton, *Railway Builders*, p. 66.

P. 159, *n.* 3. Fleming, *Intercolonial*, p. 55.

P. 159, *n.* 4. Shortt, "Railroad Construction and National Prosperity," *loc. cit.*, p. 297.

P. 159, *n.* 5. Pope, *Memoirs of Sir John A. Macdonald*, vol. i. p. 109.

P. 159, *n.* 6. *Ibid.*, p. 110.

P. 160, *n.* 7. Galt, *The St. Lawrence and Atlantic Railroad*, p. 15. Gives figures.

P. 161, *n.* 8. *Ibid.*, *passim*. Galt, as a director of the St. Lawrence and Atlantic, reviews "the causes which have induced colonial enterprise to undertake a work of such magnitude."

P. 161, *n.* 9. For the agreement made accordingly by the companies, see *Convention and Fundamental Articles of Agreement, Between the St. Lawrence and Atlantic, and the Atlantic and St. Lawrence Railroad Companies, Entered into the 17th Day of April, A.D.* 1846.

P. 161, *n.* 10. *Plan for Shortening the Time of Passage between New York and London, with Documents Relating Thereto, Including the Proceedings of the Railway Convention at Portland, Maine, and the Charter of the European and North American Railway, etc.* (Portland, 1850).

P. 162, *n.* 11. Dunbar, *A History of Travel in America*, vol. iv. pp. 1333*ff.*

P. 162, *n.* 12. *Supra*, pp. 153*ff.*

P. 162, *n.* 13. Skelton, *Railway Builders*, p. 73.

P. 162, *n.* 14. *Ibid.*, p. 70.

P. 163, *n.* 15. Archibald, *British North American Railways : Letter to . . . the Earl of Elgin*, p. 5. Correspondence of March and April, 1851, between Archibald, Howe, and the Brassey interests, is appended to a letter by Archibald to the people of Nova Scotia on *British North American Railways*, in which he defends himself against Howe's charge that he has not been helping the true railway interests of Nova Scotia.

P. 164, *n.* 16. See Hincks' *Reminiscences*, pp. 437*ff.*, for his version of these happenings and his relation to the Grand Trunk Railway. Skelton, *op. cit.*, pp. 69*ff.*, gives a clear account of the matter.

P. 164, *n.* 17. In Hincks, *op. cit.*, pp. 447*ff.*, are the letters exchanged between himself and William Jackson, 20th and 21st May, 1852, embodying the understanding then reached as the result of conversations.

P. 165, *n.* 18. *Ibid.*, p. 441. There was, however, no increase in the guarantee.

P. 165, *n.* 19. *Ibid.*, p. 442.

P. 165, *n.* 20. Before the Committee of 1857.—*Ibid.*

P. 166, *n.* 21. *Ibid.*, p. 444.

P. 166, *n.* 22. In 1849 Cartier said: "There is no time to be lost in the completion of the St. Lawrence and Atlantic road if we wish to secure for ourselves the commerce of the West."—Hammond, *Confederation and Its Leaders*, p. 49.

P. 166, *n.* 23. Hincks, *op. cit.*, p. 441.

P. 166, *n.* 24. Before the Committee of 1857.—*Ibid.*, p. 442.

P. 167, *n.* 25. Skelton, *op. cit.*, p. 79.

P. 167, *n.* 26. *Ibid.*, p. 81, note.

P. 168, *n.* 27. Shortt, *op. cit.*, p. 299. Discusses in some detail the effects of this influx of capital upon the economic life of the country.

P. 168, *n.* 28. To the tune of nearly £2,000,000. The new loan of 1855 was for £900,000.—Pope, *Memoirs of Sir John A. Macdonald*, vol. i. p. 110.

P. 169, *n.* 29. *Loc. cit.*, and note.

P. 169, *n.* 30. Skelton, *Galt*, pp. 226*ff.*

P. 169, *n.* 31. Skelton, *Railway Builders*, p. 82.

P. 170, *n.* 32. Monck to Cardwell, 30th June, 1864, Canadian Archives, *G* 465. The story of the affair is given at length in an editorial of three-fourths of a column entitled "The Government Defeat," in the Toronto *Globe* of 17th June, 1864.

P. 170, *n.* 33. Skelton, *op. cit.*, p. 82. *Cf.* p. 85, also his *Galt*, *loc. cit.*

P. 170, *n.* 34. *Report of the Commission*, pp. 33, 37.

P. 170, *n.* 35. Dated "Montreal, 6 September 1861."—Watkin, *Canada and the States*, p. 519.

P. 170, *n.* 36. Skelton, *Railway Builders*, p. 84.

P. 171, *n.* 37. Canada, *Confed. Debates*, p. 251.

P. 171, *n.* 38. Labouchere to Governor-General Head, 15th January, 1858, enclosing copy of Labouchere to Lieutenant-Governor Manners Sutton, Canadian Archives, *G* 156. See also Pope, *op. cit.*, vol. i. p. 166; Fleming, *op. cit.*, p. 56.

P. 172, *n.* 39. Minute of Council, 19th February, 1858, Canadian Archives, *State Book S*, p. 345.

P. 172, *n.* 40. B.N.A. Delegates to Sir E. B. Lytton, 26th October, 1858, with copies of various correspondence on the I.C.R. from 18th April, 1846, to 1st February, 1858, Canadian Archives, *G* 158. The despatch of the delegates, also their financial proposals, but not the enclosed correspondence, are printed in Gt. Brit., *Parl. Papers*, 1859 (*Sess.* 2), No. 112, pp. 3*ff.*

P. 172, *n.* 41. Lytton to Head, No. 105, 24th December, 1858, Canadian Archives, *G* 158. Printed in Gt. Brit., *Parl. Papers*, 1859 (*Sess.* 2), No. 112, pp. 6*f.*

P. 173, *n.* 42. Memorandum of John A. Macdonald and John Rose submitted to British Government. Copy with Delegates to Lytton, 1858, *loc. cit.*

P. 173, *n.* 43. Washington had objected to Howe's activities in the U.S. as a recruiting agent for the British Army during the Crimean War.

P. 174, *n.* 44. J. W. Johnstone and A. G. Archibald to Labouchere, 20th August, 1857. Copy with Delegates to Lytton, 1858, *loc. cit.*

P. 174, *n.* 45. They cited as an example the fact that of the annual tonnage entering the port of Boston more than half was from Nova Scotia.

P. 175, *n.* 46. Skelton, *Galt*, p. 244.

CHAPTER XIII

INTRODUCING A PROMOTER OF EMPIRE

Coincident with the revival in 1861 of the intercolonial railway project there came upon the British North American scene a man who, in the next few years, though not excessively in the public eye, was to be importantly involved in the business and politics of British-American consolidation and expansion. As an associate of the Glyns and Barings, as an officer of the Grand Trunk Railway and the promoter of schemes for its development east and west, as an intimate of that Duke of Newcastle who had accompanied the Prince of Wales as Colonial Secretary in his journey of the previous year and thereby been roused to lively interest in the possibilities of the American Provinces, and as a member of the British House of Commons, Edward W. Watkin was such a man and so situated that it was not only natural but relatively easy for him to exert a strong influence towards the establishment of the Dominion of Canada. The importance of his work in the cause was recognised by the British Government when it conferred knighthood upon him in 1868.[1] And in the Provinces it was appreciated alike by friends and by foes of federation. Howe, for example, attributed to him in considerable measure the failure of Nova Scotian efforts to block the passage and later to effect the repeal of the B.N.A. Act,[2] while D'Arcy McGee, on the other hand, dedicated to Watkin his book of addresses on British-American Union, published in

London in 1865. The phraseology of McGee's dedication is worth quoting for its estimate, the estimate of a friend it is true, of the rôle that Watkin played. "To E. W. Watkin, Esq., M.P. for Stockport," it runs, "whose intimate connection with many great enterprises in which the material future of British-America is interwoven; and, still more, whose high-spirited advocacy of a sound colonial policy, both in and out of Parliament, has conferred lasting obligations upon these provinces, this volume is very sincerely and cordially dedicated." [3] Also illuminating is Cartier's letter of 1867 to Watkin, in which he thanks him "for all the political services" he has "rendered to Canada in having so efficiently helped the carrying of the great confederation measure." [4]

The occasion for Watkin's visit to British America in 1861 [5] lay in the almost hopelessly tangled condition of the affairs of the Grand Trunk Railway. Glyn and Baring had asked him to go on an earlier occasion, in 1854, but he had then been unable to do so. In 1861, however, he accepted the post of superintending commissioner at the urgent request of the committee of shareholders who reported at that time upon the railway's affairs. His powers, as described in his own words, were comprehensive, for he was "to take charge of such legislative and other measures as might retrieve the Company's disasters, so far as that might be possible." [6]

In a letter of the previous November to a friend of Thomas Baring,[7] Watkin had epitomised his general views upon the subject.[8] "This line [the Grand Trunk]," he said, "both as regards its length, the character of its works, and its alliances with third parties, is both too extensive and too expensive, for the Canada of today; and left, as it is, dependent

mainly upon the development of population and industry on its own line, and upon the increase of the traffic of the west, it cannot be expected, for years to come, to emancipate itself thoroughly from the load of obligations connected with it. Again, the Colonial Government having really, in spite of all the jobbery and political capital alleged to have been perpetrated and made in connection with this concern, made great sacrifices in its behalf, is not likely, having got the Railway planted on its own soil, to be ready to give much more assistance to this same undertaking."

How, then, under such conditions, was a great success to be made of the Grand Trunk in a few years? It would be comparatively easy to work it as a gradually improving property, but to make a great success in a short time he could see only one way. "That way," he admitted, "to many, would be chimerical; to some, incomprehensible; and possibly I may be looked upon myself as somewhat visionary for even suggesting it. That way, however," he insisted, "to my mind, lies through the extension of railway communication to the Pacific. Try for one moment to realize China opened to British commerce; Japan also opened; the new gold fields in our own territory on the extreme west, and California, also within reach; India, our Australian Colonies—all our Eastern Empire, in fact, material and moral, and dependent (as at present it too much is) upon an overland communication, through a foreign state.

"Try to realise, again, assuming physical obstacles overcome, a main through Railway, of which the first thousand miles belong to the Grand Trunk Company, from the shores of the Atlantic to those of the Pacific, made just within—as regards the north-

western and unexplored district—the corn-growing [wheat] latitude. The result to this Empire would be beyond calculation; it would be something, in fact, to distinguish the age itself; and the doing of it would make the fortune of the Grand Trunk.

"Assuming also, again I say, that physical obstacles can be overcome, is not the time opportune for making a start? The Prince is just coming home full of glowing notions of the vast territories he has seen; the Duke of Newcastle has been with him—and he is Colonial Minister; there is jealousy and uncertainty on all questions relating to the east, coincident with an enormous development of our eastern relations, making people all anxious, if they could, to get another way across to the Pacific;—the new gold fields on the Frazer River are attracting swarms of emigrants; and the public mind generally is ripe, as it seems to me, for any grand and feasible scheme which could be laid before it.

"To undertake the Grand Trunk with the notion of gradually working out some idea of this kind for it and for Canada, throws an entirely new light upon the whole matter, and as a means to this end doubtless the Canadian Government would co-operate with the Government of this country, and would make large sacrifices for the Grand Trunk in consequence. The enterprise could only be achieved by the co-operation of the two Governments, and by associating with the Railway's enterprise some large land scheme and scheme of emigration."

Before accepting the temporary post of superintending commissioner of the Grand Trunk in America, Watkin consulted Newcastle, "and it was mainly under the influence of his warm concurrence" that he accepted the mission. Before sailing he had

further long interview with the Colonial Secretary, 17th July, 1861, in which "every point connected with the British Provinces in America, as affected by the then declared warlike separation of the northern and southern portions of the United States, was carefully discussed." The duke was thoroughly conversant with the whole British American problem and was enthusiastic over the possibilities involved in Watkin's Imperial proposals. From that time Watkin regarded himself "as the Duke's inofficial, unpaid, never-tiring agent in these great enterprises, and, undoubtedly," he says, "in these three years, ending by his [the duke's] retirement and death, the seeds were sown."[10]

In the following account, the story of the Intercolonial is, for the sake of clearness, told, so far as possible, separately from that of the North-West, although it will be seen that the two were more closely related in certain aspects than one might naturally expect to find them, and many of the men who were working to secure the construction of the one were labouring at the same time to obtain the opening up and development of the other.

Closely connected with and in fact precedent to the establishment of regular communications across British territory to the Pacific must be the task of getting out of the way the obstacle presented by the strongly entrenched Hudson's Bay Company. This preparatory task proved even more difficult than the work of securing the construction of the intercolonial railway to link the Maritime Provinces with Canada and give to the Canadian railways a winter outlet to the east over British soil, for it was already rather generally assumed that the Intercolonial was bound to come in the not very distant

future, while interest in the western problem was less immediate. During the next few years Watkin was closely associated with the pushing of these projects for development both east and west. In fact, he himself said later, with a good deal of truth though in no mood of excessive self-depreciation: "This difficult work rested mainly on my shoulders."[11]

NOTES TO CHAPTER XIII

P. 178, *n.* 1. Watkin, *Canada and the States*, pp. 459*ff.*, 491*ff.*

P. 178, *n.* 2. See, *e.g.*, Chisholm, *Speeches and Public Letters of Joseph Howe*, vol. ii. p. 530. Also *Howe Papers, passim.*

P. 179, *n.* 3. McGee, *Speeches and Addresses, Chiefly on the Subject of British-American Union.*

P. 179, *n.* 4. 30th April, 1867.—Watkin, *op. cit.*, p. 457.

P. 179, *n.* 5. He had first crossed the Atlantic in 1851, but then merely on a vacation trip.—*Ibid.*, pp. 320*ff.*

P. 179, *n.* 6. *Ibid.*, p. 11.

P. 179, *n.* 7. In 1860 the Barings became more vitally interested than ever in the affairs of the Grand Trunk, for the latter being unable to meet its financial obligations the rolling stock of the railway came into the Barings' hands.—McLean, "National Highways Overland," *Canada and its Provinces*, vol. x. p. 416.

P. 179, *n.* 8. Watkin, *op. cit.*, pp. 12*ff.*

P. 181, *n.* 9. For a further development of Watkin's ideas along this line see his article from the *Illustrated London News* of 18th February, 1861, reprinted in part in *ibid.*, p. 57.

P. 182, *n.* 10. *Ibid.*, pp. 11, 65.

P. 183. *n.* 11. *Ibid.*, p. 20.

CHAPTER XIV

EDWARD WATKIN AND INTERCOLONIAL NEGOTIATIONS

The importance of the Intercolonial was recognised specifically by the London financiers when on 14th June, 1861, a deputation interviewed the Colonial Secretary to present a memorial showing the advantages, commercial, political, and military, of the proposed railway, and setting forth the views of the promoters in soliciting the sanction and assistance of the Government in favour of the project. The duke, eager to favour any feasible plan for securing the road, nevertheless felt that in the shape then presented to him the subject could not be submitted formally to the consideration of the Government. Accordingly he advised that a responsible body be formed, with whom he could communicate, and that more definite proposals be submitted, showing the extent to which the Provinces would bind themselves to give financial support to the undertaking.[1] An important part of Watkin's mission across the Atlantic in 1861 was to secure the requisite action by the Provincial Governments that would hasten the completion of this railway link between the existing Grand Trunk system and the ports of the Maritime Provinces.

He reached Montreal the middle of August by way of New York and Boston, having spent a day in the latter place in conference with Baring's agent, Ward. His first weeks were spent in Canada, in getting acquainted with the situation there and with the

men with whom he would have to deal. At Quebec he came in contact for the first time with the political leaders of Canada, Premier Cartier and his Upper Canadian colleague, John A. Macdonald. With them, and with the Governor-General, Sir Edmund Head, who, upon presentation of letters from Baring, assured him of all the help he could give him, as well as with Ross and Galt, Watkin discussed the immediate affairs of the Grand Trunk in their relation to Canadian politics. The company wished legislation to provide further financial aid, and also asked a prompt and just settlement of its account against the Province for the carriage of mails. Galt, as Finance Minister, was obviously ready, Watkin remarks, to do all in his power for the railway. Public prejudice, however, had been aroused by the road's career, and in May a commission appointed to enquire into the Grand Trunk's affairs had reported against the granting of any further external aid.[2] The best that could finally be obtained for the company was the passage of a "Grand Trunk Arrangements Act" by the Legislature in the following spring, which legalised a compromise with the creditors by which arrears of interest up to the end of 1862 were to be capitalised, and any further arrears during the next decade might also be met by stock issues.

Such matters, however, were of course only a part of the programme which Watkin had mapped out. He was anxious to revive the Intercolonial project, doubtless all the more eager to do so when he realised how slight was the chance of his company receiving further direct financial assistance from the Government of Canada. To reawaken the movement for the Intercolonial he recognised that he should visit the Maritime Provinces. He chose the direct route in

spite of its inconvenience, instead of the usual roundabout route by way of Portland. From the end of the Grand Trunk line at Rivière du Loup he drove over the Temiscouata road to the lake of that name. To continue in his own words the account of this experience of intercolonial means of travel in 1861: "Thence took a birch bark canoe and two men and paddled down the Lake, and down the river Madawaska to Little Falls, where I arrived in a drenching storm of rain at one o'clock in the morning—having had 'perils by water.' Our canoe leaked, and we damaged its bottom in going through a rapid, and had to haul up for repairs and to bail out, for fear of sinking. Next day I drove to Grand Falls in a spring waggon, and then by Tobique to Woodstock, where I arrived on Sunday morning—having driven through the night. On Sunday drove to Canterbury, and then railed to St. Andrews, where I stayed with the able manager of the Railway. Monday railed and drove to Fredericton, where I had an interview with the Government of New Brunswick—then steamed down the St. John river to St. John; yesterday went by railway, St. John to Shediac, and then completed my journey, by hard travelling, driving through the night from Shediac (over the Cobequid Mountains) to Truro, where I joined the railway at 5 a.m., and came on to this place [Halifax], reaching it at 12 —three hours late—owing to our engine getting off the track." [3]

It is not surprising that the victim of such travelling facilities chose to return to Montreal by St. John and Portland. And doubtless as he talked with the provincial leaders in Fredericton and Halifax in advocacy of an intercolonial railway his words carried even more than their usual conviction.

In neither capital, however, did he need to use argument in favour of such a road; the people by the sea were already convinced of its desirability; the question with them was not whether but how. After the failure of the negotiations of 1858 the matter, for the time being at least, had been dropped as hopeless. Now, however, Tilley and Howe, both of whom first met Watkin at this juncture, proved eager to join in another effort to establish this material link with Canada, which they felt must precede any larger political tie. The discussions resulted in the sending of delegations to Canada from the Governments of Nova Scotia and New Brunswick—a joint delegation Howe called it. The trip was under Grand Trunk auspices and was, as a trip at any rate, a great success. Several members of the party took along some of their children, and they were gone nearly three weeks, seeing among other places, St. John, Portland, Montreal, Ottawa, Toronto, Detroit, Chicago. Howe wrote in his diary that he should always look upon it "as one of the most delightful excursions" of his life.[4] Watkin well appreciated the value of good-fellowship, of happy personal contacts among men whose co-operation with one another was desired. Howe put it admirably at a dinner party given the delegates by Watkin at Montreal in September. "We have been," he said, "more like foreigners than fellow-subjects; you do not know us, and we do not know you. There are men in this room, who hold the destinies of this half of the Continent in their hands; and yet we never meet, unless by some chance or other, like the visit of the Prince of Wales, we are obliged to meet. I say," he added, "we have done more good by a free talk over this table, to-night, than all the Governors, general

and local, could do in a year, if they did nothing but write despatches. Oh! if you fellows would only now and then dine and drink with us fellows, we would make a great partnership directly."[5]

The formal result of the conference of these delegates at Quebec is recorded in the minute book of the Executive Council of the Province of Canada. On Monday, 30th September, 1861, there were present in the Executive Council Chamber three delegates from the Government of Nova Scotia, four from that of New Brunswick, and eight members of the Canadian Administration; and it was unanimously resolved that the three Governments renew to the Imperial Government the offer of October 1858, to aid in the construction of an intercolonial railway to connect Halifax with Quebec, and that delegates should be sent at once to England to press the project upon the attention of the Home Government and assure the latter that the Provincial Governments would endeavour to procure the necessary legislation at the next sessions of their respective Legislatures. The resolution also provided that the choice of route be left to the Imperial Government.[6] Vankoughnet, Howe, and Tilley were shortly appointed as delegates by their respective Governments.[7] Sir Edmund Head, succeeded by Lord Monck as Governor-General on 25th October, was also asked by the Government of Canada to submit to the Colonial Secretary his views on the subject of the Intercolonial.[8]

Watkin preceded the delegates to England, arriving at the beginning of November. He at once got in touch with Newcastle, and they had numerous interviews, the result of which was concurrence in a programme comprising the building of the Intercolonial under Imperial guarantee, and also recognising the

necessity of making a start at Pacific transit, of pushing on confederation, and of seeking a solution for the difficulties involved in the position of the Hudson's Bay Company. Howe and Tilley reached London 11th November, and Watkin promptly took them to see the duke, who received them cordially and by whose arrangement they shortly had an interview with Palmerston, the Prime Minister. Watkin was with them upon the latter occasion and also a few days afterwards when they followed Palmerston's advice and obtained a hearing with Gladstone. The latter, as Chancellor of the Exchequer, was not receptive to their proposals, and "spoke of the objectionable features of all these 'helps to other people who might help themselves.'" Watkin describes him as having upon this occasion, while perfectly civil, "the expression of a man on his guard against a canvasser or a dun." On the final vote five and a half years later, however, he spoke in favour of the Intercolonial guarantee. Vankoughnet, delayed by a wreck off Anticosti, did not reach London till 26th November; on the following day Watkin took him also to see the duke, and the three of them had a long conference.[9] With the delegates all on hand, formal action could now be taken, and accordingly a memorial to the Colonial Secretary for him to lay before the Cabinet was drawn up by Howe and sent in on 2nd December.[10]

The preceding weeks had been improved by Tilley, Howe, and Watkin in making speeches at various places in an attempt to make the Intercolonial a public question in Britain.[11] They soon found plenty of reason for discouragement over the ignorance and indifference of the public and of officialdom. Their cause was helped powerfully, however, by the Trent

Affair of 8th November, 1861, and the resulting apparent imminence of war with the United States.

Earlier in the year, in view of the uncertain menace to British America involved in the Civil War, steps had been taken to increase the military security of the colony. Additional regular troops had been sent out, as well as arms for the volunteers.[12] The Trent Affair now made essential the further strengthening of the military forces there, and the near approach of winter, which would close the navigation of the St. Lawrence, created a situation in which what was to be done must be done quickly, unless the troops were to be forced to disembark in the Maritime Provinces and make the overland journey in the cold of winter. By good fortune the *Persia*, carrying 1,100 men, besides 6,000 stand of arms, was able to reach Bic, fifty miles below Rivière du Loup, as late as 26th December, but as soon as the last boat-load of soldiers had left her side, she had to hurry away to avoid being caught in the ice. Snow was already on the ground, and it was well for the comfort of the soldiers that the French-Canadian population of the district, who did their utmost to help in the disembarkation of the troops and stores, were able to offer the further assistance of one thousand sleighs and horses that they placed at the disposal of the military authorities there to carry the men to the railway. Troops from the other transports had to land at Halifax, St. John, and St. Andrews, and therefore were compelled to drive over the snow for a very much longer stage of their journey to Quebec.[13]

Throughout the winter of 1861–62 the Canadian Government kept the road by way of the Temiscouata open as a snow road, though on account of the heavy snowfalls and high winds and the conse-

quent drifts that prevailed during that year, the expense was more than twice the amount originally voted for the purpose.[14] A good deal had already been spent upon this Temiscouata road to improve it for summer as well as winter use. But that the route of which it was a vital link still had disadvantages for summer travel has already been illustrated by Watkin's experience of September 1861. A beginning had also been made at opening up a second route by the Metapedia valley to Bay Chaleur to connect with the road along the New Brunswick coast.[15] Some twenty miles of the Metapedia or Metis road had been built, and for summer as well as winter use, in other words, with a road-bed sufficiently cleared and graded to be passable without a covering of snow. Now, on the initiative of the Imperial War Department, it was decided to open it for winter use throughout its entire length as soon as possible,[16] to provide a route for the passage of troops sufficiently remote from the frontier to be out of the reach of any hostile foe.[17] The work was prosecuted by the Province, and so far advanced by July 1863 that Quartermaster-General Lieutenant-Colonel Wolseley was able to report then that it was a good sleigh road, though very imperfect for other purposes. The Legislature voted $15,000 that year towards adapting it for summer traffic, and the work was prosecuted steadily thereafter.[18] By the end of 1866 both these roads were practically completed for summer as well as winter use,[19] though it may be doubted whether in the spring, when the frost was coming out of the ground, even the Temiscouata road, used for the conveyance of mails, was a very satisfactory route. It can hardly have been so good as to cause any serious regrets in the minds of those who, for the sake of insuring early construction of

the intercolonial railway as the only practicable means of all-the-year travel to the Upper Provinces, had grudgingly accepted federation.[20]

After the foregoing brief account of some of the difficulties that hampered overland transport on British soil between Canada and ice-free ports, with the steps that were taken to meet the emergency created by the American Civil War and accentuated by the Trent Affair, it is apparent that in their negotiations for Imperial aid to an intercolonial railway the provincial delegates had unusual circumstances in their favour at the end of 1861. Their proposals, nevertheless, failed to meet the approval of the British Government. The rejection, however, was postponed for some time as the crisis in the relations with the United States prevented a consideration of the question by the Government as a whole before the delegates were obliged to return home to attend the meetings of their respective Legislatures, and then other urgent matters still further delayed decision until April.[21]

Before the delegates left, steps were taken, largely on Howe's initiative, to form a permanent organisation in London to promote British-American interests and constitute a regular means of communicating with the Government, such as Newcastle had suggested. After consulting with his colleagues, with Watkin, with Joseph Nelson, who had been in the Provinces with Watkin in the previous summer,[22] and with a number of the interested financial men, he drew up a prospectus for a British North American Association.[23] Soon after the delegates had departed the organisation was effected, with Joseph Nelson as secretary,[24] and a committee was appointed for the purpose of communicating with the Government.

This committee shortly addressed the Lords of the Treasury, seriously advocating the extension of Government aid to the Intercolonial project, and stating that if such assistance should be given, as the circumstances might require, they would be prepared, on their part, "either to leave the construction of the Railway entirely in the hands of the Government and the provincial authorities, or to submit proposals of their own if the Government should be of opinion that the enterprise should be placed in the hands of a public company."[25] The enclosed memorial bore one hundred and thirty-two signatures. The list is headed by the names of Alexander Gillespie[26] and other directors of the Bank of British North America, and among the names that follow is ample evidence that the financial leaders of the capital were interested in the development of British America. There are the names, for example, of Baring Brothers and Co., among the directors of the Trust and Loan Company of Upper Canada, then S. Cunard, and later, Glyn, Mills and Co., M. Rothschild and Co., the governor and directors of the Canada Company, J. N. Berens, as governor of the Hudson's Bay Company, officials of the Electric and International Telegraph Company, P. C. Glyn and others of the Canada Agency Association, besides numerous banks, members of Lloyd's, and others.[27]

In spite of all the influences brought to bear upon the Government in favour of granting aid to the Intercolonial project, the proposals made by the Provinces at this time were, as has already been stated, not accepted. In the memorial that the delegates left with the Imperial Government, the same method of guaranteeing the £3,000,000 loan, and thus securing it at a low rate of interest, was

suggested as had been proposed in 1858. To meet the interest charges of £120,000, the delegates offered on behalf of the Provinces that so long as should be necessary the latter would raise £60,000 yearly, a third each, provided that the Imperial Government would do the same. The latter balked at a scheme which would so certainly make a demand upon their exchequer. They took exception also to the absence from the proposal of any provision for the completion of the railway if the £3,000,000 should prove insufficient for completing the necessary 350 miles. Though loath to ask Parliament for a direct grant of money, the Government were perfectly willing to give to the Provinces the benefit of Imperial credit for financing the undertaking, and accordingly, in his despatch of 12th April, Newcastle stated that the Government were willing to renew to the Provincial Governments Earl Grey's offer of 1851 to grant "an Imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway." Newcastle further reminded his readers that there was good precedent for this method in the Act of 1842 which had given Canada the benefit of British credit in this same way for raising the money with which to build her great canal system.[28]

Early in February 1862, before the British Government had definitely rejected the delegates' proposal of the previous December, Watkin, whose services in promoting the cause of the Intercolonial in England had been invaluable, sailed for Canada with Vankoughnet.[29] While he was there the Canadian Legislature convened at Quebec, in March, in bitter wintry weather, advantage of which event was taken to conciliate hostile members. The Grand Trunk

furnished a special through train from Upper Canada, under the charge of Manager Brydges, to take down all the members who chose to go, "desiring to show them," says Watkin, "that, poor and unfortunate as the Grand Trunk might be, we could carry 'M.P.Ps.' safely and quickly, as we had carried soldiers and guns and stores, to the satisfaction of the military authorities." Nevertheless the bill already referred to for the relief of the Grand Trunk had a hard time of it in the Legislature. So unexpectedly Fabian were the tactics of the Government in the matter, that Watkin returned to England for a brief period.[30]

He was back in Canada before the end of May. There, on the 20th of that month, the Cartier-Macdonald Government were defeated on the second reading of their Militia Bill, a defeat which because of its occasion unfortunately provoked in England a good deal of distrust and hostile, almost bitter, criticism of the Legislature, and even of the Province.[31] Sandfield Macdonald now succeeded to the precarious position of Prime Minister, a position which that canny Scot surprised people by holding for two years. In the opinion of Watkin they were "two years of no good, two years of plausible postponement of all that the Duke had been so loyally working for in the interest of Canada. Personally," he adds, "I had no reason to complain as regarded Grand Trunk legislation. Sandfield Macdonald promised to carry our Bill, and he honourably fulfilled his promise." With the bill passed, Watkin departed once more for England early in June.[32]

Howe shortly visited Quebec to induce the new Government there to join in resuming negotiations with London over the Intercolonial.[33] It was not feasible, however, to take any formal steps in the

matter until late in the summer, when arrangements were made for an interprovincial conference at Quebec on 10th September.[34]

Watkin returned to Canada for this occasion.[35] After discussing the question of the Intercolonial, the delegates adopted a memorandum in which they emphasised the importance of that railway as an "essential link in the unbroken highway extending through British territory from the Atlantic to the Pacific, in the completion of which every Imperial interest in North America" was "most deeply involved," and decided in favour of the Provinces assuming, with merely the aid of an Imperial guarantee of interest, the liability for the expenditure necessary to construct the Intercolonial railway, Canada to assume five-twelfths and New Brunswick and Nova Scotia the remainder in equal shares.[36] The responsibility for payment of interest on the loan would thus be increased from £20,000 annually for each Province to £50,000 for Canada and £35,000 for each of the others.

There were also discussed at Quebec at this time two other subjects bound up with the question of the Intercolonial that emphasise the latter's importance in connection with the problem of federation. They were the subjects of intercolonial reciprocity and of co-operation in measures for military defence.

Regarding the former, the delegates agreed:

"1. That the free interchange of goods, the growth, produce and manufacture of the Provinces, and uniformity of tariff, are considered to be an indispensable consequence of the construction of the Intercolonial Railway.

"2. But that in consequence of the recent diminution of the revenues of the respective Provinces, arising out of the war in the neighbouring Republic

and the increased liabilities incurred by the additional obligations necessary to the construction of the proposed road, the Delegates from New Brunswick and Nova Scotia regret that they are not at this moment in a position to adopt measures to carry this important principle into practical effect." [37]

The problem of the defence of British North America had agitated the Home Government considerably since the defeat of John A. Macdonald's [38] Militia Bill in May. Under date of 21st August, Newcastle addressed a serious despatch upon the subject to Monck. While he said that of course Britain would expect to send troops, as she had recently shown her willingness to do, to meet a crisis, he pointed out that such means alone could not suffice to protect the country, that a large amount of reliance must be placed in the last analysis upon the co-operation of an adequate militia force. He did not doubt the readiness of the population to do its share, but remarked reasonably that competency to do that share could be achieved only by training. Among the suggestions which he offered for the consideration of the Provincial authorities was one of special interest from the point of view of the present study. He suggested the desirability of a uniform system of militia training and organisation for the British North American Provinces. Affecting more than one colony, such a scheme must emanate from the Secretary of State, but Her Majesty's Government would not entertain it unless "convinced that it would be acceptable both to the people of Canada and to the other Colonies. . . . The political union of the North American Colonies," he added, "has often been discussed. The merits of that measure and the difficulties in the way of its accomplishment

have been well considered, but none of the objections which oppose it seem to impede a union for defence. This matter is one in which all the Colonies have interests common with each other and identical with the policy of England." He wished to know, therefore, how the Canadian Executive Council would view the matter, and suggested a consultation with the Lieutenant-Governors of Nova Scotia and New Brunswick, who were to be at Quebec for the approaching conference of delegates.[39]

The conclusion reached after discussion of the matter, and conveyed to Newcastle by Monck, was that the means of communication were not yet "sufficiently easy to enable the three Provinces beneficially to avail themselves of the services of a common head to their militia forces." And the Canadian Government further voiced the sentiment that it was premature "to speculate upon the possible consequences of an undertaking" which might never be consummated, although it was true that looking upon the railway "mainly as a matter of defence," they had "entertained the preliminaries in common with delegates from the Provinces of Nova Scotia and New Brunswick."[40]

In accordance with the decision reached at Quebec favourable to Newcastle's recent offer of a guarantee to aid in financing the Intercolonial, delegates soon started for London to carry on negotiations, that the old friends of the project thought must surely this time reach a successful conclusion. L. V. Sicotte and W. P. Howland went from Canada,[41] while the two Lower Provinces were represented as before by Howe and Tilley.[42] Watkin returned to England and was in close touch with the delegates there, working both upon the Intercolonial problem and upon the

project for a road and telegraph to the Pacific. Of the latter more later; as to the Intercolonial, at first Sicotte and Howland gave the impression that they, like Howe and Tilley, wished to carry it through.

Before many days, however, Sicotte convinced both Watkin and Newcastle that he, at least, would seize any possible pretext to break off negotiations.[43] Pretext came in the form of a difference of opinion as to the necessity or advisability of establishing a sinking fund to pay off the loan. Gladstone held firmly that there must be such a fund if there was to be an Imperial guarantee of interest. At first he wanted such a short term of repayment and consequently so heavy an annual deposit into the sinking fund as practically to cancel the value of the guarantee itself; that is to say, the total annual payment that the Provinces would have to make as interest and sinking fund would exceed the amount for which they could have borrowed the capital solely on their own credit.[44] This matter, however, was remedied, and the chief objection to a sinking fund was thought to have been removed by providing that the payments to that fund might be employed in extinguishing the debt or invested in other colonial securities.[45] As Newcastle described the situation shortly afterwards, everything, at the last interview he had with the Canadian delegates, "was considered settled to their satisfaction, except the one point of a sinking fund, and even that was admitted by all but Mr. Sicotte to be met by Mr. Gladstone's consent, that the money should be invested in colonial securities."[46] It was evidently hoped by the British Government and by the Maritime Province delegates that Sicotte also would fall in line and acquiesce in the matter of a sinking fund.[47]

A Treasury memorandum, embodying the terms to which the British Government was finally willing to agree and which it was supposed, as a result of the discussions, would be accepted by all the delegates, was handed to Tilley and Howe on 13th December, the Canadian delegates being at the time absent in Paris.[48] Tilley and Howe expressed their willingness to accept the terms of the memorandum, for though they would have preferred that a sinking fund should not be insisted upon, they were unwilling to imperil or delay the enterprise by rejecting what the Chancellor of the Exchequer and the Cabinet might regard as an indispensable condition.[49] They left at once for home, happy in the thought that their labours had at last succeeded.

In so thinking, however, they reckoned without the Canadian delegates. The latter received the memorandum upon their return to London. They proceeded to draw up a revised memorandum themselves, which differed from that of the Treasury chiefly in making no provision for a sinking fund.[50] They sought no further communication with, or explanation from, the Colonial Office, but on the day of their departure for Canada left a statement with Newcastle enclosing their counter-proposals and virtually repudiating the negotiations to which they had been party.[51] At least, thus did their action appear to Newcastle and Watkin, and to the Maritime Province delegates. It must be granted, however, that Sicotte and Howland, in their communication to Newcastle, while criticising the Treasury memorandum at every possible point, nevertheless assured him that they would "hasten to submit to their Government the conditions and arrangements proposed by the Imperial Government to carry out the offer of an imperial guarantee, with

the hope that upon the pressing instance of the Colonies this aid of an Imperial guarantee" would be given in the manner for which they had argued in their interviews, that is, without the requirement of a sinking fund, which they felt would prevent those expenditures upon internal improvements by the Canadian Government which would in themselves furnish the best security that the Province would be able to repay the loan at the stated times.[52]

Tilley and Howe, in accordance with the terms of the Treasury memorandum to which they had agreed, secured the enactment in their respective Provinces, in April, of uniform legislation authorising a loan, to the extent of three and one-half twelfths of £3,000,000 in each Province, and providing for the construction and management of an Intercolonial railway. In each Province the Act was to become operative only upon the passage of similar legislation in each of the other two Provinces, and at the end of two years was to stand repealed if either of the latter should then have failed to make provision for carrying out the terms of the agreement.[53] The Canadian Government were of course unwilling to pass any such legislation, but they did not, therefore, as will be seen, let the matter drop.

NOTES TO CHAPTER XIV

P. 184, *n.* 1. R. W. Crawford to the Lords Commissioners of the Treasury, 25th February, 1862, Gt. Brit., *Parl. Papers*, 1862, No. 209, p. 5.

P. 185, *n.* 2. Watkin, *op. cit.*, pp. 94*ff.*, 496*ff.*; *Report of Grand Trunk Railway Commission*, p. 61.

P. 186, *n.* 3. Letter home from Halifax, 18th September, 1861.—Watkin, *op. cit.*, p. 521.

P. 187, *n.* 4. Howe's diary of 1861 written on shipboard in 1862, *Howe Papers.* One sentence is of peculiar interest. Howe remarks that at Quebec he "found all the Delegates and Members of

Government half seas over, Tilley and Watkin only sober." Tilley was a teetotaller. On Tilley as an enthusiast for the I.C.R. see Watkin, *op. cit.*, pp. 1*ff.*

P. 188, *n.* 5. Watkin, *op. cit.*, p. 22.

P. 188, *n.* 6. Canadian Archives, *State Book W*, p. 407. The minute is printed in Gt. Brit., *Parl. Papers*, 1862, No. 210, p. 16. Nova Scotia delegates: Howe, Archibald, McCully; New Brunswick delegates: Tilley, Smith, Mitchell, Walters; Members of the Canadian Ministry: Cartier, Macdonald, Ross, Vankoughnet, Alleyn, Belleau, Galt, Cauchon.

P. 188, *n.* 7. Canadian Archives, *State Book W*, p. 459; Fleming, *Intercolonial*, p. 58.

P. 188, *n.* 8. Monck to Newcastle, No. 14, 15th November, 1861, Canadian Archives, *G* 464, p. 13.

P. 189, *n.* 9. Watkin, *op. cit.*, pp. 80*ff.*

P. 189, *n.* 10. Gt. Brit., *Parl. Papers*, 1862, No. 210, p. 1.

P. 189, *n.* 11. Watkin, *op. cit.*, p. 85.

P. 190, *n.* 12. See Newcastle to Head, No. 198, 31st May, 1861; No. 205, 21st June, 1861, Canadian Archives, *G* 165; Newcastle to Head, No. 225, 18th July, 1861; No. 243, 21st August, 1861; No. 250, 13th October, 1861; No. 258, 23rd October, 1861, *G* 166; Head to Newcastle, No. 43, 29th June, 1861; No. 60, 10th August, 1861; "Military," 27th August, 1861; No. 76, 23rd September, 1861, *G* 463; *State Book W*, pp. 274, 376.

P. 190, *n.* 13. Newcastle to Monck, Confidential, 30th November, 1861, No. 9, 4th December, 1861; No. 12, 7th December, 1861, Canadian Archives, *G* 166; Monck to Newcastle, No. 34, 19th December, 1861; No. 35, 27th December, 1861; No. 37, 28th December, 1861, *G* 464; Johnson, *MS. Life of Howe*, p. 167. Further light on the measures taken by the Canadian Government at this time is furnished by minutes of Council, particularly in *State Book W*, pp. 575, 605, 634, and *State Book X*, p. 35.

Newcastle expressed "extreme gratification" at learning of "the loyal and zealous exertions of the population of the district around Bic . . . Your Lordship," he wrote Monck, "will have the goodness to convey to the Roman Catholic Bishop administering the Diocese of Quebec my acknowledgements for the Circular addressed by him to the Clergy, a communication which must have exercised a most valuable influence in securing the aid and good will of the people."—Newcastle to Monck, No. 41, 14th January, 1862, Canadian Archives, *G* 167.

P 191, *n.* 14. Canadian Archives, *State Book X*, pp. 18, 250.

P. 191, *n.* 15. Canadian Archives, *State Book U*, p. 233; *State Book T*, pp. 2, 385.

P. 191, *n.* 16. Newcastle to Monck, No. 36, 28th December, 1861, Canadian Archives, *G* 166. For details of the Canadian Government's activities concerning these roads during 1862 and 1863 see the numerous despatches on the subject from Monck to Newcastle in *G* 464.

P. 191, *n.* 17. Hastings Doyle to Newcastle, 16th October, 1862, Gt. Brit., *Parl. Papers*, 1864, No. 530, p. 12.

P. 191, *n.* 18. Newcastle to Monck, No. 99, 14th September, 1863, Canadian Archives, *G* 170; *State Book Z*, pp. 110, 182, 444.

P. 191, *n.* 19. Canadian Archives, *State Book AD*, pp. 371, 479.

P. 192, *n.* 20. An indication of the state of these roads is furnished by an entry in *State Book AE*, p. 301, 22nd June, 1867. The Canadian Commissioner of Public Works was authorised by the Council to expend three thousand dollars in repairing the Metapedia road, it having been considerably damaged since last spring by water and fire, several bridges having been destroyed and others partly so; also to spend up to five hundred dollars to repair the Temiscouata road, information having been received "that owing to the prevalence of floods certain culverts . . . have been destroyed, and the road has become so bad in places as to cause great hindrance to the conveyance of the mails."

P. 192, *n.* 21. Newcastle to Monck, 12th April, 1862, Gt. Brit., *Parl. Papers*, 1862, No. 210, p. 22.

P. 192, *n.* 22. Howe wrote in his diary of 1861, *Howe Papers*: ". . . occupied the rest of the summer till the arrival of Nelson and Watkin turned all our thoughts to the Intercolonial Railroad again."

P. 192, *n.* 23. Johnson, *MS. Life of Howe*, p. 169.

P. 192, *n.* 24. Nelson to Howe, 8th February, 1862, and 8th March, 1862, *Howe Papers*, vol. v. pp. 76*ff.*, vol. viii. p. 249. Expenses were met by subscriptions of members. Tilley and Howe each left one hundred pounds on behalf of their Governments, but no support was given by the Canadian Government until 12th March, 1863, when by vote of the Council on A. A. Dorion's recommendation one thousand dollars was contributed.—Canadian Archives, *State Book Y*, p. 335.

P. 193, *n.* 25. 25th February, 1862.—Gt. Brit., *Parl. Papers*, 1862, No. 209, pp. 5*f.*

P. 193, *n.* 26. Agent of Gzowski and Co.—*Supra*, chap. xii. note 23.

P. 193, *n.* 27. Gt. Brit., *Parl. Papers*, 1862, No. 209, pp. 7*ff.* The same paper contains a number of similar memorials from other parts of the United Kingdom.

P. 194, *n.* 28. Newcastle to Monck, No. 93, 12th April, 1862, Canadian Archives, *G* 167. Also in Gt. Brit., *Parl. Papers*, 1862, No. 210, p. 22.

P. 194, *n.* 29. Nelson to Howe, 8th February, 1862, *Howe Papers*, vol. v. pp. 76*ff.*

P. 195, *n.* 30. Watkin, *op. cit.*, pp. 92*ff.*

P. 195, *n.* 31. Gt. Brit., *Parl. Papers*, 1862 [3061], p. 3. The paper contains correspondence concerning the militia bills proposed and passed in 1862. Watkin, *op. cit.*, p. 96, tells of the bad influence of the vote of 20th May upon the attitude towards his projects. Howe, in a letter to Newcastle, 17th April, 1862, *Howe Papers*, vol. viii. pp. 279*ff.*, expresses anxiety over "the bad tone of the debate" on the subject in the British Parliament.

P. 195, *n.* 32. Watkin, *op. cit.*, p. 95.

P. 195, *n.* 33. Nelson to Howe, 13th July, 1862, *Howe Papers*, vol. iii. p. 466.

P. 196, *n.* 34. Gt. Brit., *Parl. Papers*, 1864, No. 530, pp. 7*ff.*

P. 196, *n.* 35. Watkin, *op. cit.*, p. 96; Nelson to Howe, 13th July, 1862, *loc. cit.*

P. 196, *n.* 36. 12th September, 1862.—Canadian Archives, *State Book X*, p. 536. Printed in Gt. Brit., *Parl. Papers*, 1864, No. 530, p. 3. The representatives were: Canada: J. S. Macdonald, L. V. Sicotte,

J. Morris, William McDougall, W. P. Howland, U. J. Tessier, F. Evanturel, T. D. McGee; Nova Scotia: J. Howe, J. McCully, W. Annand; New Brunswick: S. L. Tilley, W. H. Steeves, P. Mitchell.

P. 197, *n.* 37. *Ibid.*, p. 13.

P. 197, *n.* 38. By Order in Council of 28th December, 1861, the supervision of matters connected with the militia was specially entrusted to him under the designation of "Minister of Militia Affairs," an office originated at this time.—Canadian Archives, *State Book W*, p. 634.

P. 198, *n.* 39. Newcastle to Monck, No. 163, 21st August, 1862, Canadian Archives, *G* 168. Printed in Gt. Brit., *Parl. Papers*, 1862 [3061], pp. 40*ff.*

P. 198, *n.* 40. Monck to Newcastle, No. 147, 30th October, 1862, and enclosed minute of Council, Canadian Archives, *G* 464, and *State Book Y*, pp. 8*ff.* Printed in Gt. Brit., *Parl. Papers*, 1862 [3061], pp. 42*ff.* The minute also stated that even should the Provinces thereafter be united they would never contribute to an expensive system of defence unless it were under their own control. The documents discuss fully the question as to where the burden of defence should fall. Britain and the Colonies each hoped to place as much of the burden as possible upon the other.

P. 198, *n.* 41. Minute of Council appointing and instructing Sicotte and Howland is in Canadian Archives, *State Book X*, pp. 635*ff.*

P. 198, *n.* 42. The Canadian delegates were delayed, after their departure had been fixed for 25th October and passage money paid, by a difficulty rising out of the militia question on the morning of 24th October. Sicotte to Howe, 24th October, 1862, *Howe Papers*, vol. iii. p. 525.

P. 199, *n.* 43. Newcastle to Watkin, 8th and 9th December, 1862, Watkin, *op. cit.*, pp. 100*ff.*

P. 199, *n.* 44. *Ibid.*

P. 199, *n.* 45. Gt. Brit., *Parl. Papers*, 1864, No. 530, p. 24.

P. 199, *n.* 46. Newcastle to Watkin, 6th January, 1863, Watkin, *op. cit.*, pp. 104*f.*

P. 199, *n.* 47. Among other matters the Canadians would have liked to have any contribution Canada might make to the Intercolonial regarded as an expenditure for defence, but this the Imperial Government refused.—Gt. Brit., *Parl. Papers*, 1864, No. 530, p. 36.

P. 200, *n.* 48. *Ibid.*, pp. 14*f.*

P. 200, *n.* 49. Tilley to Sir F. Rogers, 13th December, 1862, *ibid.*, p. 16.

P. 200, *n.* 50. *Ibid.*, p. 24.

P. 200, *n.* 51. Newcastle to Monck, No. 4, 17th January, 1863, *ibid.*, pp. 24*f.*; Watkin to Howe, 17th January, 1863, *Howe Papers*, vol. iii. pp. 334*ff.* Watkin's letter is dated 1862, but the contents prove that to be a slip of the pen. Sicotte and Howland's statement to Newcastle, dated 23rd December, 1862, with their enclosed proposals, is in Gt. Brit., *Parl. Papers*, 1864, No. 530, pp. 16*ff.* Both the Treasury Memorandum and the proposals of the Canadian delegates are printed in Fleming's *Intercolonial*, pp. 60*ff.*

P. 201, *n.* 52. Gt. Brit., *Parl. Papers*, 1864, *loc. cit.*

P. 201, *n.* 53. The bill, with related correspondence, is in *ibid.*, pp. 27*ff.*

CHAPTER XV

THE INTERCOLONIAL RAILWAY: AGREEMENT AND CONSTRUCTION

The Canadian Government held that the Intercolonial agreement reached at Quebec in September 1862 had gone by the board as a result of the failure in London, and that negotiations as to the basis of co-operation must, therefore, begin again *de novo*. Accordingly in the following year they proposed that as a preliminary step a survey be undertaken by engineers appointed by the three Provinces. The Government of New Brunswick objected strenuously to the Canadian contention that the agreement reached at Quebec no longer held, and balked at participating in the survey unless that arrangement were retained. In the course of the dispute the two Governments indulged in a generous amount of mutual recrimination.[1]

On 22nd August, the Canadian Government, Nova Scotia having expressed herself as ready to co-operate in the survey, decided to appoint Sandford Fleming as the Canadian surveyor.[2] Tilley and Tupper agreed that he should likewise be their nominee,[3] and in October, Newcastle, under the impression that Fleming had been formally appointed by all three Provinces, named him as the engineer to act also on behalf of the Imperial Government, in order to facilitate the immediate commencement of the survey.[4] Upon finding later, however, that no real

agreement as to the survey had been reached, the Colonial Secretary notified the Government of Canada that his nomination of an engineer on behalf of the Home Government must be considered as cancelled, at least until such time as the Provinces should come to a satisfactory settlement of the affair among themselves.[5] Such settlement seemed no nearer as time passed, and the Government of Canada therefore decided, in order to avoid further delay, to undertake the survey on its own responsibility and at its sole expense, leaving it to the discretion of the Governments of the other Provinces as to whether they should later reimburse Canada for their shares of the cost.[6]

Instructions were sent to Fleming on 11th March. He had already started a few days previously for New Brunswick,[7] and after making preparations and looking over the ground roughly that winter, he began his survey in the spring, carried it forward rapidly, and submitted his report 9th February, 1865.[8] Of the fifteen routes which he therein considered, his report was on the whole most favourable to choosing one of those by way of Bay Chaleur. The Bay Chaleur route was longer than any of those styled "central" or "frontier," but had the military advantage of remoteness from the international boundary and would, he thought, "best secure the largest European 'Passenger Traffic,' the carriage of Mail matter and Express Freight, and, next to a Frontier Line, would accommodate the greatest amount of 'Local' traffic."[9]

Meanwhile the Grand Trunk's interest in the Intercolonial project did not lag. The company had long realised that the sooner there was rail connection between Rivière du Loup and Maritime Province

ports the better for its own prosperity; could it obtain the contract for building that connection itself, so much the greater would be its advantages therefrom. It is evident that during the winter of 1863–64 there was exploration of the possibilities in the latter direction by interests closely connected with the Grand Trunk if not officially by that company itself. On 4th March we find C. J. Brydges, manager of that railway, writing at Fredericton to Tilley in pursuance of a letter of the previous day and a subsequent interview which he had had with the members of the Government of New Brunswick, and making the following advances: "I now beg to propose, on behalf of parties in England with whom I have been in communication, to enter into negotiations for the formation of a substantial and influential company for the construction of the Intercolonial Railway between Rivière du Loup and Halifax." True he continues modestly: "If the three Provinces consider it more advisable to build the line by government commissioners, I do not desire to press this offer in the least"; but he adds that the offer is made by parties with large interests in America who would like to see the undertaking commenced soon. Nothing seems to have come of his offer in New Brunswick, and upon his bringing the same matter before the Canadian Government a few days later, the Provincial Secretary, Fergusson Blair, replied that it would be premature to consider the proposition while the survey was not complete.[10]

The Maritime Provinces were loth to wait for interprovincial railway connections until Canada might be ready to co-operate in their building. Here again Watkin was involved. In this same winter of 1863–64, Watkin, now president of the Grand Trunk, acting

on behalf of members of the Governments of Nova Scotia and New Brunswick, secured the consent of the Colonial Office and the Treasury to a proposal that if those Provinces would go ahead at their own expense with the construction of a railway along the approved line for the hundred odd miles from Truro to the "Bend" of the Petitcodiac, where it would connect with the St. John–Shediac line, the works constructed thereupon should be considered to form part of the railway on which the loan of £3,000,000 was to be expended, if that loan should eventually be raised under the Imperial guarantee. The Colonial Office agreed, but stated, however, that though the Imperial Government considered its offer of a guarantee to be still in force, it "would certainly cease to do so, unless a definitive arrangement were made, and the necessary Colonial laws passed within five years of the date of the first memorandum, *i.e.* before December 1867."[11]

The two Provinces decided to go ahead with the construction of the line between Truro and the Bend,[12] and accordingly in 1865 awarded contracts for their respective portions to the International Contract Company of London. In the winter of 1866–67 that firm failed, but assigned the contract to Clark, Punchard and Co. At the date of confederation no work had been done in Nova Scotia, and that Province therefore annulled its contract. In New Brunswick a mere beginning had been made, but of course on the strength of that it was attempted to unload the contract upon the new Intercolonial Commissioners. The Dominion Government objected on the ground that the Intercolonial arrangements embodied in the federation pact did not constitute an acceptance of the Imperial Government's offer of

1862, but were the result of new negotiations. Sandford Fleming, as chief engineer of the Intercolonial, in the report which he was asked to make on the matter, protested that the local line as contracted for had been twisted out of its proper course at the behest of unimportant local interests, and that if it were taken over as part of the through road it would add to the latter ten unnecessary miles, with heavy grades and objectionable curves. In spite of opposition, however, the contractors, the local interests, and the Provincial Government finally had their way, and, in the words of Fleming, Nova Scotia was practically placed "from eight to ten miles further from the remaining portions of North America than was necessary, and thus virtually" there was imposed "a tax of something like one shilling a head, and the same amount per ton, on all passengers and freight passing over the railway." [13]

To return to the spring of 1864: even the fact that Fleming's exploratory survey was then in progress for the Canadian Government gave the people of the Maritime Provinces little faith that Canada would soon consent to participate in building the Intercolonial under any possible conditions. In April, for example, the Halifax *Express* reflected the gloomy outlook thus: "Looking at the matter, therefore, as it stands; looking, above all, at the public feeling of Canada, and the unsettled character of her Government, what prospect is there, we would ask, of any earnest action in this direction for years to come? Scarcely any." [14]

Little did the pessimists realise that in that unsettled character of Canada's Government, which they deplored, lay the very factors which were to furnish a way out of their difficulties. In March

Sandfield Macdonald, having already re-made his Ministry once in his two years in office, had at length felt compelled to retire from the premiership, and the Macdonald-Dorion Government had been succeeded after much tribulation by that of Taché and John A. Macdonald. On 14th June this too was defeated, and there followed the negotiations, already described, which resulted in the famous coalition that made federation possible in the near future, and federation meant inevitably, before very long, construction of the Intercolonial.

Yet for some time there were many who doubted the logic of these events. In the debate of 22nd June on the "Ministerial Explanations" presented to the Canadian House by John A. Macdonald on behalf of the new Government, Dorion asked whether the Intercolonial were a portion of their scheme. Macdonald knew better than to say "yes" at that stage in the game, if the point could possibly be evaded, for Dorion was a firm opponent of a project which he contended would mean the waste of four or five million pounds on an undertaking whose usefulness would, he argued, be interrupted five or six months in the year. Macdonald accordingly stuck to literal exactitude in his reply, and said "that an agreement to build a railroad could not be a portion of a constitution." In the Toronto *Globe* he was reported as saying that "the subject of the Intercolonial Railway was not once mentioned during the negotiations. The subject under discussion was not the construction of a railway, but the change of a constitution."[15] Thus, though Macdonald's utterance avoided the issue for the moment, it lent itself, as is the way of such utterances, to the political purposes of the other party. In the New Brunswick election campaign of

1865, it was a cry of the Opposition that Macdonald had said in the Canadian Legislature that the Intercolonial was no part of the scheme of union. Tilley was compelled to appeal to Macdonald for refutation of the assertion, and the latter then sent him the following telegram: "Your letter received. My remark was that an agreement to build a railroad could not be a portion of a constitution. In our case it was one of the conditions on which constitution was adopted. Such condition will, of course, be inserted in the Imperial Act."[16]

It was absurd that such a telegram should have been necessary in 1865, for by the 68th of the resolutions that formed the scheme of federation adopted by the Quebec Conference in the previous October it had been decided that the "General Government" should "secure, without delay, the completion of the Intercolonial Railway from Rivière-du-Loup through New Brunswick to Truro, in Nova Scotia."[17] Such a clause had been recognised at the time as a *sine qua non* for the acceptance of federation by the Lower Provinces. At a banquet at Quebec on 15th October, 1864, while the great conference was in progress, Tilley said the feeling of the Maritime Provinces "on this subject was: 'We won't have this union unless you give us the railway.' (Cheers.) It was utterly impossible we could have either a political or commercial union without it."[18]

During the debate on the Quebec Resolutions in the Canadian Legislature, in February and March 1865, there was considerable talk about the Intercolonial. While some argued for it on every ground, many of those who believed in the railway on its own account, as well as of those who were willing to accept it as part of the whole scheme because they

felt that bringing the Maritime Provinces into the federation was worth the price, were yet frank to say that they thought it was bound to be a commercial failure. And there were some, such as Dorion, who were unwilling to accept the scheme for any consideration. Dorion found in the Intercolonial railway proposal, in fact, a ground for distrusting the larger project of federation. He expressed the belief that the real origin of the greater undertaking was not the necessity of settling the question of representation, as claimed, but was due to the machinations of the Grand Trunk Railway, and he marshalled what evidence he could in support of his assertion. He pointed to Watkin's arrival in 1861, to that gentleman's unsuccessful attempt then to obtain for his railway further large Government aid of a direct sort, and charged that the revival of the Intercolonial project shortly afterwards was an attempt to gain equivalent advantages by indirect means. He ascribed the failure of the negotiations of 1862–63 to the great unpopularity in Canada of the agreement of September 1862, an unpopularity all the more noteworthy because under its terms Canada would have had to shoulder only five-twelfths of the burden. "This project having failed," he went on, "some other scheme had to be concocted for bringing aid and relief to the unfortunate Grand Trunk—and the Confederation of all the British North American Provinces naturally suggested itself to the Grand Trunk officials as the surest means of bringing with it the construction of the Intercolonial Railway. (Hear, hear, and laughter.) Such was the origin of this Confederation scheme. The Grand Trunk people are at the bottom of it; and I find that at the last meeting of the Grand Trunk Rail-

way Company, Mr. Watkin did in advance congratulate the shareholders and bondholders on the bright prospects opening before them, by the enhanced value which will be given to their shares and bonds, by the adoption of the Confederation scheme and the construction of the Intercolonial as part of the scheme." [19]

Dorion's case had a groundwork of fact, but, while in part it was true, the interests which he was criticising assuredly deserve more than a modicum of thanks for the influence which their position, their strength, and their persistent efforts exercised in helping to overthrow barriers of provincialism and to consolidate, economically and politically, the scattered communities of British America. If, in the admixture of motives which prompted their activities, there was something of self-interest, there was also, in some at least of these men who furnished so much driving force, not a little of that ability to see visions and dream dreams, and then to realise their dreams by practical methods in a workaday world, that marks the statesman and the empire-builder.

The rest of the story of the Intercolonial, in so far as it was related to the accomplishment of federation, can be quickly told. Having once formally accepted the Quebec Resolutions, Canada was committed to the completion of the railway in the event of federation actually being brought about. Her Government recognised, however, that there were still doubts in the Maritime Provinces as to the sincerity of that committal, and accordingly saw fit in August 1865 to furnish assurance in the matter by formally reiterating the declaration that they regarded the construction of the Intercolonial railway as a "necessary accompaniment and condition of Confederation," and

that not a day would "be unnecessarily lost after the accomplishment of Confederation in commencing the work and prosecuting it to completion." [20]

In London, members of the British North American Association naturally were pleased at the prospects of federation, and their feeling was voiced in speeches at a public dinner in 1866, which called forth from Howe, then in London as agent of the Nova Scotia opposition to union, a letter to the *Times* in which he explained that the association had not been founded "to promote the union or confederation of the British North American Colonies," as one of the speakers had said, but that it had been established, at his suggestion, with the object of drawing together, "for social and general purposes, those who might be disposed to take some interest in the Colonies and to give them all fair play." At the time, he and his fellow-delegates had been in daily intercourse with the gentlemen who formed the society, and on no occasion had any policy for a union of the Provinces been propounded nor had any such question been raised in the course of the long negotiations conducted then and in the following year with the Duke of Newcastle. "If the Association," he said, "adheres to its original basis and design, and wins and retains the respect of all the Colonies, it will do good, if it becomes a mere Canadian affair, or if it is controlled for certain objects in this country, it will soon cease to have influence at home or abroad." [21] But the political vision of the "Tribune of Nova Scotia" had become myopic; he refused to see that an association founded for the objects he had had in mind in 1861, and comprising the men who had joined it at that time, was sure to look upon federation, once its achievement came within the realm of reasonable

possibility, as a desirable development, and one to be actively promoted.

Howe's campaign of opposition to federation proved, indeed, exceedingly difficult for him to square with his record of advocacy of the Intercolonial. In August 1868 we find him stating that he had always been an advocate and friend of the proposed railway, but explaining that there is a time for everything, and he doubts "whether when the people of England are considering how their supremacy upon the sea, seriously endangered if not lost, can be recovered, and how the Empire is to be defended without breech loaders is just the time for the Chancellor of the Exchequer to go down and ask Parliament for Four Millions to be expended in a country which we really have at this moment no assurance can be successfully defended. Turret ships and Needle guns first and the Intercolonial Railway afterwards would seem to be the natural order in which to consider these subjects, and the Colonial Secretary ought not to be asked hastily to bind himself by any pledge on a financial question like this of which, when Parliament meets, views, not quite in accordance with those of the Delegates, may be taken." [22] Thus to advance the premise that the Intercolonial scheme should not receive the present support of the Imperial Government, and to argue therefrom against the federation project, was a line of reasoning that carried very little weight, especially when its value rested upon the implication that the financial credit of the new federation would probably have so weak a basis that a guarantee of it would have to be made good by the guarantor. The British Government had already offered to guarantee the credit of the Provinces severally for the undertaking,

a more risky commitment, and the Cabinet of Lord Derby were not unwilling to make good the promise of their predecessors in office.

At the Westminster Conference it was taken for granted that the Intercolonial was an inseparable element of the federation pact. Indeed the resolution of the New Brunswick Assembly in favour of sending delegates to London had included the requirement that terms of union discussed there should contain "provision for the immediate construction of the Intercolonial Railway." Nova Scotia's attitude on the matter was equally positive; and no opposition was made by the delegates of the Province of Canada to the agreement embodied in the British North America Act to the effect that it should "be the duty of the Government and Parliament of [the Dominion of] Canada to provide for the Commencement within Six Months after the Union, of a Railway connecting the River St. Lawrence with the City of Halifax in Nova Scotia, and for the Construction thereof without Intermission, and the Completion thereof with all practicable Speed." [23]

In connection with the British North America Act, Parliament passed the Canada Railway Loan Act, authorising an Imperial guarantee of interest up to four per cent. on a Canadian loan of not more than £3,000,000 for the purpose of constructing the Intercolonial, on condition that the Dominion pass an Act providing for the construction of the railway on a line to be approved by the British Government and with provision for its use by her majesty's troops. The terms of the loan and of the sinking fund that was to be established were to be subject to the approval of the Treasury. There was also to be provision for the appointment of trustees to manage

the sinking fund, and for raising, on the sole credit of Canada, such further sum beyond the £3,000,000 as might be necessary to complete the line.[24] In introducing the measure Adderley stated that while the Government were opposed in the abstract to guarantees of colonial loans, nevertheless this guarantee was exceptional, absolutely necessary for the Government to propose under the circumstances, expedient, and moreover might be granted without the slightest risk. It was attacked as a measure which would increase Britain's responsibility for sending troops to defend Canada, but from the Opposition benches Gladstone praised it as "auxiliary to the great work of Confederation," the purpose of which was the strengthening and enriching of the colonies, and along with that, he trusted, "the speedy development of their self-reliance." Watkin supported the measure not only as one which was necessary for the defence of the colonies, but also "for the more genial and generous objects of commerce and of peace." As Gladstone voiced the Opposition's support to the measure in the Commons, so did Russell in the Lords.[25] The Canadian Parliament complied with the conditions by passing an Intercolonial Railway Act, the amount authorised to be raised solely on Canadian credit being £1,000,000.[26]

The task and the opportunity of constructing the railway were not entrusted to the Grand Trunk Company, or to any other private concern,[27] but four commissioners were appointed by the Canadian Government for this purpose. One of the commissioners was C. J. Brydges, manager of the Grand Trunk.[28] Other names associated with the Grand Trunk were also connected with the enterprise; for Canada's appointees as trustees of the sinking fund were

Thomas Baring and George C. Glyn.[29] The chief engineer was Sandford Fleming, who had made the exploratory survey in 1864 and who had been instrumental in the same year in bringing the politicians of Canada into closer touch with the Maritime Provinces by means of the Grand Trunk excursion arranged by himself and D'Arcy McGee. In his final report, submitted 1st July, 1876, chronicling, as he phrased it, "the completion of the Intercolonial Railway, and the full consummation of the union of the British Provinces in North America," he wrote: "The Intercolonial Railway owes its existence to the creation of the Dominion, although it may be said that neither could have been consummated without the other." [30]

There were some men, of whom George Brown was the outstanding example, who accepted the Intercolonial merely because they realised that without it they could not achieve that federal union which seemed to be the only way out of the political difficulties of the Province of Canada. A majority of those, however, who worked hard for federation, laboured also, and for years, for the Intercolonial railway scheme. With many the latter was the prime incentive to work for the former. The two projects were closely related from an early time. It is at least interesting that when a scheme of political union was first advocated by a Canadian Government, in 1858, the idea was advanced and the scheme itself was formulated by a man who had been so awake to the needs and possibilities of railway development in the Provinces as Galt. It seems significant also that the other two of the three delegates who shortly afterwards laid the proposal before the British Government were Ross, president of the Grand Trunk, and Cartier, the railway's solicitor, and that their negotiations with

the Imperial authorities at that time, while including proposals for federation, also dealt largely with the problem of the Intercolonial railway. Howe, when he moved his resolution in the Nova Scotia Assembly in April 1861 for discussion of union, was a strong Intercolonial railway man, and so was his opponent, Tupper, who seconded the resolution. Tilley, of New Brunswick, advocated both schemes. Men like D'Arcy McGee and Sandford Fleming worked for both. Watkin, and the Grand Trunk people in England, and others there with financial interests in British America, wanted the railway first of all, but when they saw unexpectedly the immediate possibility of political union, they recognised in such a union a valuable means of furthering their own ends, and at the same time a development worth backing for its own sake and the empire's. To the British Government this railway appealed as a measure of military defence; they were willing to sponsor it partly for such a reason, partly because they appreciated its value in helping to consolidate the Provinces of British America economically and politically, as must be done if they were to stand on their own feet.

The Intercolonial railway furnished a physical basis for the lasting union of the old Provinces, by linking those to the west with those to the east and with ice-free British ports on the Atlantic. At the same time, the necessity of the undertaking, coupled with its magnitude and with its problematical future from a commercial point of view, proved a powerful force in favour of political partnership.

NOTES TO CHAPTER XV

P. 205, *n.* 1. Minutes of Council, 25th February, 6th July, 29th September, 1863, Canadian Archives, *State Book Y*, pp. 303*ff.*, 585; *Z*, pp. 132*ff.* The last is printed in Gt. Brit., *Parl. Papers*, 1864, No. 530, pp. 35*f.* The interprovincial correspondence on the subject, as well as that with the Colonial Office, was printed for the Canadian Legislative Assembly as a *Return to an Address of 16th March*, 1864, "*For Copies of Documents Relating to the Intercolonial Railroad.*"

P. 205, *n.* 2. Canadian Archives, *State Book Z*, p. 12.

P. 205, *n.* 3. Burpee, *Fleming*, p. 73.

P. 205, *n.* 4. Newcastle to Monck, No. 107, 17th October, 1863; No. 108, 20th October, 1863, Canadian Archives, *G* 170. No. 108 is printed in Gt. Brit., *Parl. Papers*, *loc. cit.* In No. 107 Newcastle pointed out that in waiving their right to appoint a separate engineer the British Government did not abandon the right to satisfy themselves that the line chosen would serve Imperial purposes, and that it could be constructed without application to the Imperial Government for any further aid than that already offered.

P. 206, *n.* 5. Newcastle to Monck, No. 134, 20th December, 1863, Canadian Archives, *G* 170.

P. 206, *n.* 6. Monck to Gordon and to Doyle, 20th February, 1864, Gt. Brit., *Parl. Papers*, 1864, No. 530, p. 38.

P. 206, *n.* 7. Fleming, *Intercolonial*, p. 67. In the following ten pages Fleming practically summarises his report on this exploratory survey.

P. 206, *n.* 8. Burpee, *op. cit.*, p. 84.

P. 206, *n.* 9. Fleming, *Report on the Intercolonial Railway Exploratory Survey*, p. 96 and *passim.*

P. 207, *n.* 10. Brydges to Tilley, 4th March, 1864; Brydges to Fergusson Blair, 16th March, 1864, Canadian Legislative Assembly, *Return to Address of 16th March for Documents Relating to the Intercolonial.*

P. 208, *n.* 11. Watkin to G. A. Hamilton, 15th February, 1864, and Frederic Rogers to Watkin, 19th March, 1864, Gt. Brit., *Parl. Papers*, 1864, No. 530, pp. 44*ff.* See also Cardwell to Monck, No. 31, 25th June, 1864, Canadian Archives, *G* 171, enclosing correspondence between Colonial Office, Treasury, and Watkin regarding construction by New Brunswick and Nova Scotia of a railway between Truro and the Bend.

P. 208, *n.* 12. *Cf.* Tupper to Macdonald, 13th December, 1864, Pope, *Correspondence of Sir John Macdonald*, p. 17.

P. 209, *n.* 13. Fleming, *Intercolonial*, pp. 100*ff.*; Gt. Brit., *Parl. Papers*, 1868–9, No. 272—I, pp. 2*ff.*

P. 209, *n.* 14. Quoted in Toronto *Globe*, 13th April, 1864.

P. 210, *n.* 15. *Ibid.*, 23rd June, 1864.

P. 211, *n.* 16. 20th February, 1865.—Pope, *Memoirs of Sir John Macdonald*, vol. i. p. 279, note. See also D. L. Macpherson to John A. Macdonald, 23rd June, 1864, Pope, *Correspondence of Sir John Macdonald*, p. 12.

P. 211, *n.* 17. Pope, *Confed. Documents*, p. 52.

P. 211, *n.* 18. Whelan, *Union of the Provinces*, pp. 72*f.*

P. 213, *n.* 19. Canada, *Confed. Debates*, pp. 250*f.* The same charge

against the Grand Trunk Railway, but in greater detail, may be found in a pamphlet by Edward Goff Penny, editor of the Montreal *Herald*: *The Proposed British North American Confederation: Why It Should Not Be Imposed upon the Colonies by Imperial Legislation* (Montreal, 1867). A copy of this, minus its title-page, and unlisted on the MS. list of contents at the front of the volume in which it is bound (*Pamphlets on Confederation*, vol. iii., Canadian Parliamentary Library, Ottawa), has pasted to it a printed slip stating that the pamphlet was printed for distribution to British M.P.'s before consideration of the British North America Bill, but was suppressed by supporters of that measure. *Cf. The Proposed B.N.A. Federation: A Reply to Mr. Penny's Reasons Why It Should Not Be Imposed upon the Colonies by Imperial Legislation. From the Montreal "Daily News"* (Montreal, 1867). William McMaster, of the Legislative Council, was one of those who supported the resolutions as a whole but believed the Intercolonial would be a commercial failure. He pointed out that railway freight rates were so high even over U.S. roads, that it paid to store goods during the winter and ship by vessel, and argued that even if reciprocity stopped, the same method would serve.—Canada, *Confed. Debates*, p. 230. John Simpson, also of the Council, went so far as to argue that one should not try to force trade out of its natural channels, which for the Maritime Provinces were mostly with New England.—P. 234. See also *passim*, *e.g.* pp. 77, 197.

P. 214, *n.* 20. Minute of Council, 14th August, 1865, Canadian Archives, *State Book AB*, p. 515; Monck to Cardwell, No. 165, 14th August, 1865, *G* 465.

P. 214, *n.* 21. Letter to *Times*: undated draft in Howe's hand, *Howe Papers*, vol. xxvi. pp. 40*ff.*

P. 215, *n.* 22. Memorandum on the I.C.R., 17th August, 1866, signed Joseph Howe and William Annand, enclosed in Howe to T. F. Elliot, of same date, Canadian Archives, *Stairs Papers*.

P. 216, *n.* 23. For the New Brunswick resolution, and the various forms which the provision took in the different drafts of the Bill, and in the Act, see Pope, *Confed. Documents*, pp. 95, 110, 176, 211, 246, 282.

P. 217, *n.* 24. 30 and 31 Vict., C. 16.

P. 217, *n.* 25. *Hansard*, 3rd Ser., vol. clxxxvi. pp. 736*ff.*, 972*ff.*, 1453*ff.*

P. 217, *n.* 26. The Canadian Act and the correspondence concerning it are in Gt. Brit., *Parl. Papers*, 1868–9, No. 272.

P. 217, *n.* 27. *Cf.* Macdonald to Tupper, 14th November, 1864, Pope, *Correspondence of Sir John Macdonald*, p. 14.

P. 217, *n.* 28. Fleming, *Intercolonial*, p. 94.

P. 218, *n.* 29. The other two were representatives respectively of the Treasury and the Colonial Office.—Gt. Brit., *Parl. Papers*, *loc. cit.*, pp. 7, 16.

P. 218, *n.* 30. Fleming, *op. cit.*, pp. 236, 239.

CHAPTER XVI

THE WEST AS A CORPORATION'S PRESERVE

While the movement for a federation that would unite politically the Canadas and the Maritime Provinces was tied up with the necessity of securing an Intercolonial railway, it was affected also by another problem, the future of the new lands of British North America, those vast regions west and north-west of old Canada. The notion, often expressed, that the acquisition of the North-West by the new Dominion was a fortunate afterthought, has little basis in fact. It is doubtless true that the mass of the people in the Provinces and in the British Isles envisaged no serious problem connected with the lands over which the Honourable the Hudson's Bay Company held sway.. That wide domain was popularly supposed to be fit for nothing save the production of furs, and even its advantages as a country across which convenient access might be gained to the rich trade of the Orient lay beyond the horizon comprehended by the ordinary citizen. What concern of his was a distant frozen wilderness? But in the middle of the nineteenth century it mattered even less than it does to-day how much the ordinary citizen of his own accord appreciated or did not appreciate the potentialities of his contemporary world. The vital factor was that some men, few though they were, in both Britain and the colonies, had the vision, saw the possibilities within reach, and recognised the dangers involved in delay. To those men, the desirability of

breaking the monopoly of the Hudson's Bay Company, the need of opening across the territory regular and direct means of communication and transport that would make it available for settlement as well as furnish a route to the Pacific, and the necessity of such action in the near future if this land were to be saved whole for the British Empire, were matters of high importance, and were not forgotten by them at any step in that progress of events which culminated in the establishment of a Dominion of Canada stretching from sea to sea.

It was not till about the middle of the century that important steps were taken in the direction of opening up the western regions of British America to settlement. The pathfinders had been doing their work for generations, but they were fur traders or in the service of fur traders, and accordingly, while in their mind's eye they may, like Kipling's "Explorer," have "plotted sites of future cities," it was with a decided emphasis upon the qualification "future." Fur trade and colonisation were held to be incompatible. The results of the establishment of Selkirk's Red River Settlement early in the century supported this view. With the coming of settlers and agriculture the traffic in furs was bound to suffer. When, therefore, after the fusion of the old Hudson's Bay Company and the Nor'westers in 1821 had rescued them from a disastrous rivalry, and the new Hudson's Bay Company found itself with a monopoly of the fur trade from Labrador to the Pacific and from Canada and the United States to the Arctic, it naturally desired to maintain that monopoly.

It were well, in view of later developments, to notice briefly the legal basis of the monopoly in question. When, in 1670, Charles II. created by

royal charter "The Governor and Company of Adventurers of England trading into Hudson's Bay" as a "body corporate and politic," he granted and confirmed to them, and to their heirs and successors, in the words of the charter, "the sole trade and commerce of all these seas, straits, bays, rivers, lakes, creeks and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks and sounds aforesaid, that are not already actually possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State." He also granted them a monopoly of the fishing in all the waters "within the premises, and the fish therein taken, together with the royalty of the sea upon the coasts within the limits aforesaid, and all mines royal, as well discovered as not discovered, of gold, silver, gems and precious stones, to be found or discovered within the territories, limits and places aforesaid, and that the said land be from henceforth reckoned and reputed as one of our plantations or colonies in America, called 'Rupert's Land.'" Nor did the grant stop with this: for the governor and company and their successors were created "the true and absolute lords and proprietors" of all the said premises, "saving always the faith, allegiance and sovereign dominion" due to the Crown, to possess and enjoy them with all their attendant "jurisdictions, prerogatives, royalties and appurtenances whatsoever." And the form of the tenure was prescribed: "as of our manor at East Greenwich, in our County of Kent, in free and common soccage, and not in capite or by Knight's ser-

vice, yielding and paying yearly to us, our heirs and successors, for the same, two elks and two black beavers, whensoever and as often as we, our heirs and successors, shall happen to enter into the said countries, territories and regions hereby granted."[1]

Extensive as Rupert's Land was, embracing, according to the company's claim, the whole of the Hudson's Bay watershed save land already under some other Christian prince or state, there were further regions still, and wide ones, that came under the sway of the company beyond the watershed of the Bay, regions penetrated first by the Frenchmen of Canada and their successors of the North-West and X. Y. Companies. It was bitter friction between Hudson's Bay men from Britain and Nor'westers from Montreal over the control and the trade of this North-West Territory, as well as the southern part of Rupert's Land, which forced the amalgamation of companies in 1821. To prevent similar trouble for the future, a licence was then obtained to supplement the original charter by reserving to the enlarged Hudson's Bay Company the exclusive privilege of trading with the Indians in such parts of British North America, outside of the Provinces, as had not been already granted to the company. The licence was for a term of twenty-one years, and in 1838 was extended from that date for a second period of the same duration.[2]

Under the keen leadership of George Simpson as Governor-in-Chief of Rupert's Land, the company expanded its activities until, scattered through the wilderness between ocean and ocean, at its one hundred and fifty-two establishments and on the network of trading routes linking them together, it had above three thousand men in its employ.[3] The trading posts

formed little centres of civilisation in a land otherwise the home of hunting Indians. At many of these posts there was agriculture on a small scale, and the success with which it was carried on was evidence enough, if the company had cared to see it in that light, that its domain was capable of supporting a large agricultural population. But in spite of the antagonism between the fur trade and any policy of immigration, settlement could not be wholly excluded. There was, of course, the colony on the Red River, which in spite of its inability to market its produce in the outside world had nevertheless become a fairly prosperous community. It furnished proof, at any rate, of the fertility of the prairies. In 1835 the settlement, with a population grown to about five thousand, was organised by the company as the district of Assiniboia under a president and an appointed council of fifteen.

On the Pacific coast, too, the sway of the company was threatened by the settler. In the 'forties the trading post of Fort Vancouver, on the Columbia, the centre of a traffic that reached to the Missouri and the Sacramento, was overrun by American farmers swarming westward over the Oregon trail. The "swarm" effected its purpose: in 1846 the company had to abandon the valley of the lower Columbia and the trade it had built up there, and retreat north of the forty-ninth parallel, the newly established international boundary. It had but recently (1843) established a footing on Vancouver Island. Faced by the menace of a possible repetition there of the happenings in Oregon, it desired to acquire a recognised monopoly of trade on the island such as it already enjoyed on the mainland under its royal licence, and if possible to control also the course of

such settlement as might be inevitable. Moreover, if colonisation must proceed, and a motion in the British Parliament to encourage that very thing in Vancouver Island and British Columbia seemed to point in such a direction, then might not the Hudson's Bay Company become in some degree a beneficiary of the process?

Beginning by asking a grant of Vancouver Island, the company continued by informing the Colonial Secretary as follows: "That if Her Majesty's Ministers should be of opinion that the territory in question [British Dominions west of the Rocky Mountains] would be more conveniently governed and colonized (as far as that may be practicable) through the Hudson's Bay Company, the Company are willing to undertake it, and will be ready to receive a grant of all the territories belonging to the Crown which are situated to the north and west of Rupert's Land."[4] This characteristically modest request of the company that proprietorship might be added to its trade privileges throughout the North-West Territory as well as in Rupert's Land where it already existed, was a proposal, Earl Grey informed the company, "too extensive for Her Majesty's Government to entertain."[5]

Negotiations were dropped for almost a year, but were resumed early in 1848. Governor Pelly of the company now explained that though he had proposed a grant of all the North-West Territory, in his view this was not essential. When he had understood that the Government "were desirous that a part or the whole of the country recently confirmed to Great Britain [by the Oregon treaty] should be colonized," he had proposed that the whole be included in a grant to the company, because, he said, "I was

persuaded that the colonization would be much more successfully conducted under the auspices of the Company than it could be in any other manner, as I foresaw serious difficulties, should different parts of the territory be colonized under different authorities." As to the territory between Rupert's Land and the Rocky Mountains, though of formidable extent it was "little better than a barren waste." Moreover, it was inaccessible except through the company's territories or by crossing the Rocky Mountains. He had proposed it as part of the grant because its annexation to Rupert's Land "would place the whole territory north of 49°, the American boundary line, under one governing power, and thereby simplify any arrangements respecting any part or parcel of the same." But if the company could not have the whole cheese it was quite willing to receive a slice, and the upshot of the negotiations was the acceptance of the proposal which it made that its monopoly and jurisdiction on the mainland remain unchanged, but that it receive in addition the grant of Vancouver Island with a monopoly of trade there in return for undertaking its colonisation.[7] The grant was made revokable after five years if the conditions regarding colonisation should not have been fulfilled.

Even this relatively limited grant was not obtained without arousing strong criticism of the company. In the House of Commons the Earl of Lincoln, who before long passed to the Lords as Duke of Newcastle, criticised the grant on the ground, he said, that "colonization by absentee proprietary companies has, as far as the great experience of this country has gone, been a failure." While disclaiming any motive of hostility to the Hudson's Bay Company,

he hoped he might prove that this company was "more especially unfitted for the office than any other." After a speech of four hours and a half in amplification of these statements, he presented a resolution (19th June, 1849) expressing the opinion that the Hudson's Bay Company was "ill adapted for superintending the establishment of any Colony founded upon principles of political or commercial freedom" and questioning the validity of the recent grant of Vancouver Island. The Government avoided a vote and an immediate reply by seeing to it that less than the quorum of forty was in the House at the conclusion of Lincoln's speech.[8]

In the press, too, there was much opposition to the grant, and extensive criticism of the company's past and present constitution and activities. The question was asked: "Whether it were common sense to expect that the task of civilizing and settling a country, should be entrusted to those whose obvious interest it is to keep it wild and uncultivated."[9]

It was sought, furthermore, to cast discredit upon the company through the complaints which were making themselves heard from the people of the Red River Country. These people, mostly of mixed blood, had failed to secure from the company a recognition of those rights to which they felt themselves entitled. In the 'forties their dissatisfaction voiced itself, but they found the Hudson's Bay authorities set upon maintaining all their monopolistic privileges in the colony. The half-breeds and native-born whites along with all other settlers were prohibited from hunting or trading in furs, but the presence of an American trading-post at Pembina, just south of the border, was a strong inducement to risk the dangers of "free trade."[10] So the company's

prohibition was now further reinforced by a refusal to grant the necessary licence to export or import to any inhabitant who had infringed the fur-trade monopoly, and also by the drawing up of a "new Land Deed, which all were compelled to sign who wished to hold any land in the settlement," and by which the prime condition of tenure was respect for the company's laws and regulations.[11]

Finding those in power in the territory adamant, the dissatisfied people decided to appeal to the Imperial Government. A petition was accordingly prepared, to which were attached almost a thousand names, and it was presented to the Government in London early in 1847 by a deputation headed by a young Londoner, A. K. Isbister, born and bred at Red River and keenly interested in the welfare of his native land.[12] By these delegates the charge was advanced that the company, for its own selfish ends, had failed to promote the welfare of the native population as it was obliged to do by its charter, but instead had kept it in a backward state, and by an unwarrantably strict interpretation of its trade privileges had prevented that population from rising out of its appalling condition of ignorance and barbarism. The petitioners complained of the administration of justice by the company officials, and wished to be given a part in the making of the laws and to have courts independent of the company. They desired also freedom of trade, and provisions for the encouragement of settlement.[13]

Colonial Secretary Grey referred the memorial to the governor of the company, who denied the charges, and expressed his willingness to co-operate in further investigation.[14] Lord Elgin, appealed to as Governor-General of Canada, gave it as his opinion that the

authority exercised by the company was on the whole advantageous, though he regretted that so extensive and peculiar a jurisdiction, so far beyond the control of public opinion, "should be so entirely removed from the surveillance of Her Majesty's Government," for under this circumstance it was hard to probe conditions to the bottom.[15] Officers who knew Rupert's Land at first hand, to whom Grey appealed for information regarding the charges, were unequivocal in denying the accuracy of the latter so far as they came within their cognisance, and in defending the company.[16] It is not surprising, accordingly, that the Colonial Office decided that the evidence did not warrant asking Parliament to authorise a thorough inquiry into the truth of the charges. "Nothing . . . but a strong *prima facie* case against the Company would, in Lord Grey's opinion, have justified Her Majesty's Government in recommending to Parliament, by such an extraordinary interposition of its supreme authority, to interfere with the regular exercise of the jurisdiction granted to the Company by charter, and sanctioned by usage and the language of statutes." So it came about that a few days after the grant of Vancouver Island, this decision was communicated to Isbister, and he was further informed, in the suave phraseology of Downing Street, that the Colonial Secretary "can, therefore, only refer you to the Company, which, as he is assured, will readily consider any representations which may be made of substantial grievances."[17]

In a few months, however, and not long after Lincoln's condemnation of the company in the House, Gladstone there moved a resolution which was put through the Commons, asking the Government to take measures to ascertain the legality of the powers

claimed or exercised by the Hudson's Bay Company in America.[18] The Colonial Secretary referred the matter to the Solicitor-General and received the latter's official opinion that the rights claimed by the company belonged to them. In order, however, to satisfy Isbister and his fellow-complainants of Red River, as well as the promoters of the discussion in the House of Commons and possibly the company themselves, by having the question given a thorough hearing, reference to a tribunal was advised. But a difficulty arose: neither Isbister nor any of his fellows would consent to appear as party to the prosecution, though expressing readiness to furnish information. Accordingly, "in the absence of any parties to contest the rights claimed by the Company," the Colonial Secretary took the ground that he "had to assume the opinion of the Law Officers of the Crown in their favour to be well-founded."[19]

Thus at the middle of the century the company was left to continue its prosperous career in comparative tranquillity, untroubled by any too-prying eyes investigating its affairs or surveying the possibilities of the realm under its sway. But such a condition of affairs could not much longer continue.

NOTES TO CHAPTER XVI

P. 225, *n.* 1. Willson, *The Great Company*, appendix, pp. 515*ff.*; also in Gt. Brit., *Parl. Papers*, 1857 (*Sess.* 2), No. 224.260, pp. 408*ff.*

P. 225, *n.* 2. Willson, *op. cit.*, pp. 437*ff.*

P. 225, *n.* 3. *Ibid.*, p. 469.

P. 227, *n.* 4. Sir J. H. Pelly (governor of the company) to Earl Grey, 5th March, 1847, Gt. Brit., *Parl. Papers*, 1847–8, No. 619, p. 9. The correspondence on the matter is given in this paper to July 1848, and continued in No. 103 of 1849. Willson, *op. cit.*, p. 461, quotes from Pelly's despatch in a way that leaves the impression that

the company offered to colonise the territory east as well as west of the Rockies.

P. 227, *n.* 5. Hawes to Pelly, 25th February, 1848, Gt. Brit., *Parl. Papers*, 1847–8, No. 619, p. 10.

P. 228, *n.* 6. Pelly to Grey, 4th March, 1848, *ibid.*

P. 228, *n.* 7. For the draft deed of charter drawn up by the company see *ibid.*, pp. 14*ff.* The text of the royal grant of 13th January, 1849, is in Gt. Brit., *Parl. Papers*, 1849, No. 103, pp. 13*ff.*

P. 229, *n.* 8. *Hansard*, 3rd Ser., vol. cvi. pp. 550*ff.* Willson, *op. cit.*, p. 463, makes the inexplicable statement that the company relied upon Lincoln as a strong friend to procure favour for the grant.

P. 229, *n.* 9. Fitzgerald, *An Examination of the Charter and Proceedings of the Hudson's Bay Company, with Reference to the Grant of Vancouver's Island*, p. 2. This work, written with the help of Isbister (see *infra*, note 12), published early in 1849, and dedicated to Gladstone, is a wholesale attack upon the company, argues that it has grossly abused its powers and that its pretensions are invalid. The book was put forth in answer to Martin's *Hudson's Bay Territories and Vancouver's Island*, an inspired defence of the company's chartered rights, conduct and policy, *q.v.*

P. 229, *n.* 10. Kittson, in charge of the post at Pembina, encouraged the free-traders and was constantly in conflict with the Hudson's Bay Company officials from 1844 to 1860. For this information the author is indebted to Mr. John P. Pritchett, who found much evidence concerning it in the *Sibley Papers* in the Library of the Minnesota State Historical Society.

P. 230, *n.* 11. The documents in the case, with discussion thereof, are given by Fitzgerald, *op. cit.*, pp. 199*ff.*

P. 230, *n.* 12. Regarding the career of this half-breed son of Assiniboia see Willson, *Life of Lord Strathcona*, p. 132.

P. 230, *n.* 13. The memorial of the deputies, and the petition, the latter in French, are given in Gt. Brit., *Parl. Papers*, 1849, No. 227, pp. 1*ff.* The charges are amplified in accompanying documents.

P. 230, *n.* 14. *Ibid.*, pp. 20*ff.*, 52.

P. 231, *n.* 15. *Ibid.*, pp. 8*f.*

P. 231, *n.* 16. Colonel Crofton and Major Griffiths, successive commanders of the royal troops which were now stationed at Fort Garry. —*Ibid.*, pp. 101*f.*, 109*ff.*

P. 231, *n.* 17. Hawes to Isbister, 23rd January, 1849, *ibid.*, p. 113; *Hansard*, 3rd Ser., vol. c. pp. 469, 510.

P. 232, *n.* 18. 5th July, 1849.—*Hansard*, 3rd Ser., vol. cvi. pp. 1355*ff.*; Gt. Brit., *Parl. Papers*, 1850, No. 542, p. 6.

P. 232, *n.* 19. *Ibid.*, pp. 7, 9, 15.

CHAPTER XVII

THROWING A SEARCHLIGHT ON THE GREAT COMPANY

The continued dissatisfaction of the Red River settlers would in itself have been enough to revive agitation against the company,[1] but there were also other events causing men in England and in Canada, some even of the partners in the company,[2] to question the wisdom of leaving the control of the whole western region much longer in the hands of that monopoly. American settlement was advancing apace in Minnesota, next door to the Red River Settlement, and in Oregon, adjacent to Vancouver Island and New Caledonia, in the last of which gold was found in 1856 and 1857 in the sands of the Fraser and the Thompson. Was the story of the Columbia Valley to be repeated in the prairie and on the shore of the Pacific? These circumstances were enough to give men pause, and the necessity of deciding as to the policy which should be pursued was emphasised by the fact that the licence of the company to a monopoly of the trade of the North-West Territory would expire in 1859 unless renewed. The officials of the company, realising that any important change of arrangements throughout their vast territories would require a considerable period for its accomplishment, desired to learn as soon as possible what were the views of the British Government and Parliament as to the renewal of the licence. Approached in the matter towards the end of 1856, the Government

decided that the whole subject should be brought under the investigation of a select committee of the House of Commons at the earliest convenient time.

Informing the Governor-General of Canada of this decision, the Colonial Secretary wrote: "The enquiry will be mainly directed to the question of the renewal of the license; but it must incidentally embrace the general position and prospects of the Hudson's Bay Company. As many points may arise in the course of this enquiry which may affect the interests of Canada, I have to instruct you to consider, with the advice of your Council, the question whether it may be desirable to send witnesses to appear before the Committee, or in any other manner to cause the views of the Provincial Government, and the interests of the Canadian community, to be represented before the Committee." [8]

The Canadian Government were glad that the enquiry was to be made, and promptly took steps to have Canada's views represented. The general feeling in Canada being strongly that the western boundary of the Province properly extended to the Pacific Ocean, thus overlapping the territory over which the Hudson's Bay Company claimed jurisdiction, the Government urged the importance of ascertaining what the actual limits of Canada were in that direction. They felt that in any case it was a matter of great importance to trace and fix on the ground the boundary between the United States and these territories. And their minute of council continued: "The rapid settlement of Minnesota, shortly to be admitted a State of the American Union, renders this the more necessary, for, as civilization approaches the boundary, so will be increased the difficulty of maintaining the distinction between the

rights of the two nations on the frontier. Already, the Committee have reason to believe, that difficulties in this respect have occurred, or at least have been threatened, and the importance cannot be overrated of early guarding against any such. . . . Situated as Canada is, she necessarily has an immediate interest in every portion of British North America, and the question of the jurisdiction and title claimed by the Hudson's Bay Company is to her of paramount importance."

It was shortly decided to appoint a special agent to represent Canadian rights and interests in England before the proposed select committee and the Imperial Government.[5] In the instructions given to the delegate, Chief Justice W. H. Draper, the Canadian view of the matter was further dealt with in a way that brings out clearly the points that were uppermost in the minds of Canadians concerning the problem. He was urged to press strongly "the importance of securing the Northwest Territory against the sudden and unauthorized influx of immigration from the United States side," because of the fear "that the continued vacancy of this great tract, with a boundary not marked on the soil itself," might "lead to future loss and injury both to England and to Canada." He was, accordingly, "to urge the expediency of marking out the limits, and so protecting the frontier of the lands above Lake Superior, about the Red River, and thence to the Pacific, as effectually to secure them against violent seizure or irregular settlement, until the advancing tide of emigrants from Canada and the United Kingdom" might "fairly flow into them and occupy them as subjects of the Queen on behalf of the British Empire. With these objects in view," ran the instructions, "it is

especially important that Her Majesty's Government should guard any renewal of a license of occupation, (should such be determined on) or any recognition of rights in the Company by such stipulations as will cause such license or such rights not to interfere with the fair and legitimate occupation of tracts adapted for settlement." Attention was drawn also to "the future importance of Vancouver's Island as the key to all British North America on the side of the Pacific," situated as it was "between the extensive seaboard of Russian America and the vast territory in the hands of the United States."[6]

Draper proceeded to England, and in the taking of evidence before the committee, which occupied several weeks, the information which he furnished, supplemented by that of other British Americans examined by the committee, as well as by the evidence taken before a committee of the Legislative Assembly of Canada, gave a full exposition of the point of view of the Province towards the company and the territory. Draper contended that as a prime requisite the boundary of Canada should be determined. As the rights of the company, whatever they might be, were derived from the Crown, which authority had also assigned the boundaries of Canada, the settlement of the conflict must rest with the Crown, which was therefore asked to find a solution. This matter of the boundary was vital to Canada, as plans for developing her communications, for enlarging her agricultural settlements, and for expanding her commercial enterprises, were all more or less dependent upon or affected by the question. Moreover, assuming that there was a portion of the territory to which the company was lawfully entitled, it could then only be taken from them by arranging for compensation.

True, Canada was not yet ready to take over the administration of the territories. Explorations and surveys must first be carried out, and means of communication established. It was Canadian opinion, however, that when these preliminaries had been accomplished it would be not only feasible but best to attach the territory to Canada. Roche, Draper's assistant, told in his evidence how Vankoughnet had stated at a public meeting in the previous September, "that he sought a boundary for Canada on the Pacific Ocean, and that no charter could give to a body of men control over half a continent, and that he would not rest until that charter was abolished. That," said Roche, "has been echoed throughout the province by the press, and by public men of all degrees." There was not, indeed, complete agreement as to how much territory should be attached. Draper's personal view, for example, was that the Rocky Mountains should be the western political boundary, although the right should be reserved to extend a railway across them to the Pacific. But generally it was hoped that not only a railway but also Canada's boundary would reach the western ocean. The Province, Draper thought, would be willing to bear the expense of the necessary explorations and surveys, if the acquisition of a great territory was to follow.

The importance of some action being taken speedily to settle and colonise the country along the American frontier was felt keenly by those who realised the dangers inherent in the advance of settlement in the United States. Anxiety for the maintenance of British sovereignty throughout the North-West was a primary reason for the hostility of many Canadians to the company and its monopoly, which they felt was keeping the country in a condition that increased

the menace of the situation. Draper agreed with John Ross, however, that some of the opposition to the company came from people eager to enter upon the fur trade themselves, particularly a group in Toronto who would like to get up what Ross described as a second North-West Company. He agreed that competition in this trade would work more harm than good, for it would almost certainly lead to demoralisation of the Indians by liquor, and therefore he suggested that the Hudson's Bay Company should retain its monopoly, but that its southern boundary should be moved well to the north.

John Ross, member of the Canadian Legislature, for several years in the Provincial Government, and at the time of this enquiry president of the Grand Trunk Railway, was the first witness examined by the committee. Because of his official position and his connection with the railway, the nature of his evidence and the prominence given it in the proceedings are of special interest, and particularly since later in the year he was a delegate of the Canadian Government, along with Cartier and Galt, to confer with the British Government on this and other matters. His attitude on one or more further points may well be stated here specifically. He held that it would be a calamity if the control and power of the Hudson's Bay Company were entirely to cease, in view of its record as a maintainer of peace in contrast with the chronic state of Indian warfare on the American frontier. He recommended as the most desirable and convenient course that so fast as the Canadian Government should wish to open any part of the country to settlement, the company should be required to surrender that territory within a stated time. As to railway possibilities, he pointed out that

it was then generally considered throughout North America that if a transcontinental line were built, it would be most feasible to run its western section across British soil. He looked forward, however, to an extension of the Grand Trunk system to the Pacific, wholly within the British dominions. The dependence of such an undertaking upon settlement for its financial success, made it for the present too big an undertaking for Canada, but as an Imperial project such a route to the Far East might perhaps well be entered upon without waiting for the advance of population. In reply to a question as to the extent of his contemplated railway he said: "We desire to have it carried across the continent, believing that it will be for the interests both of the Imperial and of the Canadian Government; and we think that the trade with China and India might be drawn over that line of communication. Perhaps," he added, "it is taking rather a long flight."

The foregoing represents those parts of the evidence specially relevant to the present story. The whole evidence elicited by the committee from the numerous witnesses whom it examined, mostly men with first-hand knowledge, covered virtually all phases of the company's activities and of the problems connected with the lands it controlled, and of course represented the views of partisans of all the interests involved. In its conduct of the enquiry the committee showed no less skill than one would expect from so distinguished a group of men. Headed by Labouchere as Secretary of State for the Colonies, it included among its nineteen members some of the most notable figures in Parliament, such as Lord John Russell, Gladstone, Sir John Pakington, a former Colonial Secretary, and Roebuck, the distin-

guished chairman of the Crimean War Commission. The scope of the investigation and the skilled and thorough manner in which it was handled, make it plain that the subject was now receiving recognition by the British Government as an Imperial problem of prime importance.

In its report, which, with the evidence, fills a complete folio volume in the bound series of British Parliamentary Papers,[7] the committee, as is a way of such bodies, dodged the point of law that was at issue and refused to recommend any final settlement of the boundary dispute between Canada and the company, preferring to leave that matter to amicable adjustment by those interested. It rejected both Draper's suggestion that the question be carried to the Privy Council for judicial settlement, and likewise the resolution of Gladstone, which ignored the question of charter rights and would have provided that the country capable of colonisation should be withdrawn from the jurisdiction of the company, and that over the country incapable of colonisation the company's jurisdiction should rest henceforward upon the basis of statute. The question as to how the land withdrawn from the company should be settled and governed under free institutions, Gladstone would have preferred to leave to the Imperial Government for decision. By the rejection alike of Draper's plea and of Gladstone's motion, action directly hostile to the company was prevented, while at the same time Canada's interests were not ignored.

As to Canada's future relation to settlement in the North-West the majority of the committee had a definite opinion, which was voiced in the final report. "Among the various objects of imperial policy which it is important to attain," ran that document, "your

Committee consider that it is essential to meet the just and reasonable wishes of Canada to be enabled to annex to her territory such portion of the land in her neighbourhood as may be available to her for the purposes of settlement, with which lands she is willing to open and maintain communications, and for which she will provide the means of local administration." Believing that the districts on the Red River and the Saskatchewan were likely to be desired for early occupation, the committee trusted that there would be no difficulty in arranging between the Imperial Government and the company for their cession to Canada "on equitable principles." Should Canada not be willing very soon to undertake the government of the Red River district, some temporary provision for its administration might prove advisable. The termination of the company's connection with Vancouver Island was recommended "as the best means of favouring the development of the great natural advantages of that important colony," and it was further advised that the colony should ultimately be extended over any portion of the mainland west of the Rockies that should turn out to be fit for permanent settlement. Lastly, in the interests of law and order, of the well-being of the Indian population, and of the preservation of the fur-bearing animals from indiscriminate and speedy destruction, the committee considered it desirable that whatever the validity of the company's charter rights might or might not be, it should continue to enjoy its privileges of exclusive trade in those wide regions, whether in Rupert's Land or not, where there could be, for the time being at least, no considerable permanent colonisation by the European race.

The British Government soon took action towards carrying out the recommendations of the committee. The grant of Vancouver Island to the company was allowed to lapse at its expiration in 1859, and the island became a Crown colony, though still under the governorship of James Douglas, who was also appointed governor of the colony of British Columbia that was now established on the mainland.[8] In further conformity with the committee's suggestions, Labouchere proposed to the Hudson's Bay Company that the existing licence to exclusive trade in the North-West Territory should be extended for a further term of twenty-one years, under the condition that territory likely to be required by Canada for early occupation should be rendered free for annexation to that Province whenever the latter should have made a road or other line of communication connecting the territory she required, and have given satisfactory evidence of her intention to take steps for settling and administering those districts. As to the dispute over the boundary, the Imperial Government were willing to refer it to the Judicial Committee of the Privy Council for settlement, and the company expressed approval of such a course. Canada, however, demanded that the validity of the original royal charter should be tested at the same time, an action which the company opposed, and regarding which the British Government felt that they could not "institute proceedings with a view to raise this question before a legal tribunal without departing from those principles of equity by which their conduct ought to be guided." If, therefore, the question was to be raised at all, "it must be by other parties on their own responsibility."

Matters were in this state when, in February 1858,

Palmerston's Ministry gave way to that of Derby. At the Colonial Office Labouchere was followed by Lord Stanley, who in June was replaced by Sir Edward Bulwer-Lytton. That was the summer of the "double shuffle" in Canada, after which, it will be remembered, came the Cartier-Macdonald Ministry, almost identical in make-up with the Macdonald-Cartier Ministry which had preceded the "double shuffle," but with Galt as a new member carrying the federation plank into the Government platform.

The dispute over the boundary continued. A joint address to the Crown from the two Houses of the Canadian Legislature was followed by negotiations between Lytton and the company.[10] Lytton wished the latter to become a consenting party to referring to the Privy Council the question respecting the validity or extent of the charter, and gave warning that otherwise "the renewal of the exclusive license to trade in any part of the Indian Territory, a renewal which could only be justified to Parliament as part of a general arrangement, adjusted on the principles of mutual concession, must become impossible."[11] The company rejected this proposal, and accordingly Lytton asked the Canadian Government to take steps to obtain a writ of *Scire facias* to repeal the charter. The Provincial Government postponed a definite answer for a time,[12] and meanwhile Lytton offered to extend the company's licence for two years. The company declined such a temporary extension on the ground that to accept it would injure their prestige in the Indian territory and prevent their keeping the peace there. Governor Berens could recognise "no alternative between maintaining the present system in its former efficiency or providing by legislation for a totally different government which

should possess means of ensuring a proper administration of the Indian Territories." In the spring, after frequent discussions on the subject, the Canadian Government decided not to take any steps to test the validity of the charter by *Scire facias* as requested by Lytton, though still expressing the opinion that it was most desirable on all accounts that the boundaries of Canada should be accurately and speedily defined.[13]

Surprised at this decision,[14] the Colonial Secretary now evidently despaired of the matter being settled by amicable arrangement between the disputants, or judicially by either of them taking the initiative, and he decided to test the charter's validity before the Judicial Committee of the Privy Council without further reference to Canada, but before that could be done his party went out of office, in June 1859.[15] Newcastle became Secretary of State for the Colonies. The licence of 1838 was allowed to lapse, and an Act was passed authorising the Government to take such measures as might be necessary for the administration of justice and the regulation of trade with the Indians in the Indian territory.[16] Territories theretofore granted to the Hudson's Bay Company were expressly excluded from the operation of the Act, and indeed the Government had no immediate intention of exercising the powers authorised.[17] The company, deprived of its monopoly save within the disputed boundaries of its original grant, yet remained the *de facto* authority throughout the North-West, and for the time being continued in undisturbed enjoyment of the great fur-bearing regions. But its loss of Vancouver Island, and the apparently impending loss of the Pacific Coast mainland and the Red River, not only were a sign that colonisation of

the west was unlikely to be entrusted to its oversight, but also served to reinforce the view held by company officials that further colonisation there would surely be at the expense of the company's monopolistic sway, and hence should be opposed as directly antagonistic to its interests.

NOTES TO CHAPTER XVII

P. 234, *n.* 1. For an illustration of the critical state of affairs in Red River see Laut, *Conquest of the Great North-West*, pp. 400*ff.*

P. 234, *n.* 2. Willson, *The Great Company*, p. 465.

P. 235, *n.* 3. Labouchere to Head, No. 179, 4th December, 1856, Canadian Archives, *G* 152. Printed in Gt. Brit., *Parl. Papers*, 1857, No. 113, pp. 1*f.*

P. 236, *n.* 4. Minute of Council, 17th January, 1857, Canadian Archives, *State Book R*, pp. 113*f.* Printed in Gt. Brit., *Parl. Papers*, 1857, No. 113, pp. 2*f.*

P. 236, *n.* 5. Minute of Council, 27th January, 1857, Canadian Archives, *State Book R*, p. 142.

P. 237, *n.* 6. Minute of Council, 18th February, 1857, *ibid.*, pp. 223*ff.* The instructions are printed in Begg, *History of the North-West*, vol. i. pp. 310*ff.* A. R. Roche, of the Provincial Secretary's office, was appointed to go to England to assist Draper.—Minute of Council, 5th March, 1857, Canadian Archives, *State Book R*, p. 270. By a further minute of 9th March, *ibid.*, p. 278, it was decided to instruct Draper "to retain counsel on behalf of Canada to argue and oppose the legality and validity of the Charter of the Hudson's Bay Company in the event of the question being submitted to the Judicial Committee of the Privy Council." See also Canada, *Journals of Legislative Council*, vol. xv., 1857, Appendix No. 2, and *Journals of Legislative Assembly*, vol. xvi., 1858, Appendix No. 3.

P. 241, *n.* 7. The Report of the Select Committee, with the record of its proceedings, the evidence taken, the documents submitted, and other relevant material, is in Gt. Brit., *Parl. Papers*, 1857 (*Sess.* 2), No. 224.260. As it is well indexed, detailed references have not been given here to the many pages from which the information in the foregoing paragraphs was extracted. One of Draper's boundary memoranda, that in Appendix No. 5, is printed also in *Parl. Paper* No. 104 of the same session. Regarding this matter of the boundary claims of the company, see also *Parl. Papers*, 1850, No. 542, and 1857, No. 112. Willson, *Strathcona*, pp. 104*ff.*, quotes interesting comment on the committee's work by "wintering partners." There was amusement in the committee at the hard time that Sir George Simpson, Governor of Rupert's Land, had in disavowing his previously printed opinions as to the fertility of the country and the practicability of a route to the Pacific. Willson says, p. 115, that Simpson's

retraction of his former favourable statements was due to the insistence of almost the entire London Board, led by old Governor Berens. On Simpson's evidence see also a letter from the New York *Evening Post*, printed in *Parl. Papers*, 1859 (*Sess.* 2) [2530], pp. 154*f*.

P. 243, *n.* 8. Douglas to Lytton, No. 23, 6th November, 1858, and No. 27, 8th November, 1858, Gt. Brit., *Parl. Papers*, 1859 (*Sess.* 2) [2578], pp. 24*f*.

P. 243, *n.* 9. Labouchere to Head, No. 9, 22nd January, 1858, and enclosed correspondence with the Hudson's Bay Company, Gt. Brit., *Parl. Papers*, 1857–8, No. 99.

P. 244, *n.* 10. Head to Lytton, No. 106, 16th August, 1858, and No. 117, 9th September, 1858, Canadian Archives, *G* 463; Minute of Council, 9th September, 1858, Canadian Archives, *State Book T*, p. 106; Lytton to Head, No. 102, 22nd December, 1858, with enclosures, Canadian Archives, *G* 158.

P. 244, *n.* 11. Carnarvon to Berens, 3rd November, 1858, enclosure No. 2 in Lytton to Head, 22nd December, 1858, *loc. cit.*

P. 244, *n.* 12. Head to Lytton, No. 16, 29th January, 1859, Canadian Archives, *G* 463.

P. 245, *n.* 13. Berens to Lytton, 15th March, 1859, in Merivale to Head, No. 51, 1st April, 1859, Canadian Archives, *G* 159; Head to Lytton, No. 44, 4th April, 1859, Canadian Archives, *G* 463. All printed in Canada, *Journals of Legislative Assembly*, vol. xvii., 1859, Appendix No. 7.

P. 245, *n.* 14. Lytton to Head, No. 68, 13th May, 1859, Canadian Archives, *G* 160.

P. 245, *n.* 15. Begg, *op. cit.*, vol. i. p. 331.

P. 245, *n.* 16. 22 and 23 Vict., C. 26.

P. 245, *n.* 17. Newcastle to Head, No. 34, 12th September, 1859, and enclosure, Canadian Archives, *G* 161.

CHAPTER XVIII

CANADA'S EYES OPEN TO THE NORTH-WEST

At the time of the British parliamentary enquiry in 1857, Canada as well as England was a scene of activity in regard to Hudson's Bay matters. The Legislative Assembly of the Province was petitioned by the inhabitants of the Red River Settlement, who not only accused the Hudson's Bay Company of tyranny and injustice, but expressed other sentiments well-pleasing to Canadian ears. They desired, "as British subjects . . . the same liberty and freedom of commerce, as well as security of property," as was "enjoyed in all other possessions of the British Crown." Believing that the land in which they lived was part of the territory ceded by France to England in 1763, they held that the dominion exercised there by the Hudson's Bay Company was "an usurpation antagonistic to civilization and to the best interests of the Canadian people," and they felt that the actual extension to them of Canadian laws would guarantee the enjoyment of their proper rights and liberties. They expressed fear of the rising tide of immigration on the upper Mississippi. "We have represented our grievances to the Imperial Government," they continued, "but through the chicanery of the Company and its false representations we have not been heard, and much less have our grievances been redressed. It would seem, therefore, that we have no other choice than the Canadian plough and printing press, or the American rifle and

Fugitive Slave law." They therefore prayed that measures might be taken to extend to them "the protection of the Canadian Government, laws and institutions," and make them "equal participators in those rights and liberties enjoyed by British subjects in whatever part of the world they reside."[1]

The Toronto Board of Trade petitioned the Legislative Council, 20th April, 1857, to consider the question as to how far the company's assumption of power interfered with Canadian rights, and as to "the necessity of more particularly declaring the boundaries of Canada on the westward and on the northward, and of extending throughout the protection of Canadian laws, and the benefits of Canadian institutions." The petition recognised the company's trading rights under the licence but voiced opposition to its extension, and questioned the entire validity of the charter on the ground that when it was granted the land was properly under the sovereignty of France. Apparently these Toronto petitioners were not primarily eager to encourage settlement in the territories, but desired most of all a chance to trade there themselves.[2]

The Assembly, in view of the approaching British enquiry, appointed a select committee "to receive and collect Evidence and Information as to the Rights of the Hudson's Bay Company under their Charter, the Renewal of the License of Occupation, the Character of the Soil and Climate of the Territory, and its Fitness for Settlement." The committee received evidence from Allan Macdonnell, George Gladman, and William M. Dawson. The first was a Toronto railway promoter who as early as 1851 had sought a charter and subsidy for a road to the Pacific.[3] The second was a native of Hudson's Bay

Territory and had long been a servant of the company, though now retired. The third was head of the Woods and Forests Branch of the Crown Lands Department. All opposed the continued sway of the company. The committee's report, embodying their evidence, was recognised by the British select committee of the same year as a valuable indication of Canadian feeling.[4]

A few weeks after this Canadian committee reported, the Provincial Government, not to be caught napping should developments in England regarding the North-West follow the course they hoped, took action to send an exploring party forthwith to the Red River Settlement to effect the objects which the Legislature had contemplated by making a grant of "£5,000 towards opening a communication with Red River." A party was promptly organised under the directorship of George Gladman, with H. Y. Hind as geologist, W. E. Napier as engineer, and S. J. Dawson as surveyor. They were instructed to study the possibilities of improving the portages and extending the navigable reaches between Lake Superior and Rainy Lake, both on the Pigeon River route along the frontier and on the more northerly route from Fort William *via* the Kaministiquia, also to study the desirability of building a road for part of the distance from Lake Superior and also for a distance eastward from Red River. Curiously enough, it was impressed upon each member of the party "that no communication or information whatsoever, with regard to the progress or results of the expedition," was to be transmitted, "by writing or otherwise," except to the Provincial Secretary.[5]

The work of exploration was continued in the following year, when a party under Hind made a

topographical and geological survey of the region lying west of Lake Winnipeg and the Red River and approximately between the rivers Assiniboine and Saskatchewan, while another party under Dawson continued the exploration of the route between Lake Superior and the Red River.[6] Dawson reported that the probable cost of opening a communication between Lake Superior and Red River would be about £50,000, and he wished to proceed with the surveys in the summer of 1859. The Canadian Government, however, had secured what information it then desired, and refused to sanction continuance of the work beyond 1st June.[7]

Early in the same year Hind offered to take an exploring party that summer from the Saskatchewan across the Rocky Mountains to the Thompson and Fraser rivers in British Columbia for a sum not to exceed one thousand pounds. The Provincial Secretary recommended that the offer be accepted, as thus the exploration, of which the eastern portion had already cost about twenty times as much, would be carried across the continent. One sentence of special interest in the Minister's enumeration of the advantages of completing such a survey ran thus: "It is admitted to be a matter of great importance to the country generally, and to the Grand Trunk Railway Company in particular, to turn the tide of Emigration to New Columbia and the gold fields at Fraser's River, through Canada, and . . . nothing . . . could more conduce to this end than sending a Canadian party, *via* Lake Superior, to those regions." The Cabinet, however, declined to entertain the proposition, "inasmuch as a thorough survey of the passes of the Rocky Mountains within British Territory between the Saskatchewan on the one side and

British Columbia on the other" was then going on under the authority of the Imperial Government.[8] The survey referred to was that of the Palliser expedition, which operated during four years, 1857, '58, '59, '60, the findings of which will be referred to again.

Further evidence of the desire of the Provincial Government to explore possibilities for improved communications with the west is furnished by the fact that in 1858 and again in 1860 it procured engineers' reports on the feasibility of a canal to Georgian Bay *via* the Ottawa–Lake Nipissing route. Such a canal, it was expected, would draw trade into Canadian channels from the new American west, south of and beyond the upper Great Lakes, as well as shorten the distance from Montreal to Red River.[9]

It was not only the government that in Canada in the late 'fifties was taking active interest in the problem of opening the North-West, for increasing efforts were being made to awaken the public to the importance of the question. Chief Justice Draper stated before the British Select Committee of 1857 that while public attention in Canada had become very much directed to the affairs of the Hudson's Bay Company, this had only happened recently, although "men," he said, "who have been concerned with thinking for the future in Canada have thought of it a good many years ago."[10] A few such men had for some time been endeavouring to arouse popular interest in the subject.

As early as 1847 the Toronto *Globe*, under George Brown's editorship, published in full a lecture by Robert Baldwin Sullivan, who even then appreciated the possibilities of the western country and feared lest it pass into the hands of advancing American settlers. Four years later Brown, in his opening

speech in the Legislature, referred to the North-West, and the *Globe* was soon committed to a lonely campaign of agitation directed against the Hudson's Bay Company's monopoly as an obstacle to the settlement of the land. In 1857 William McDougall's paper, *The North American*, was merged with the *Globe*, and McDougall, associated with Brown for the next three years, strengthened the *Globe's* campaign by his demands in its columns that Canada acquire Rupert's Land and the North-West Territory.[11] It is significant that these two men, who in 1864 entered the great coalition together, should have been among the first to appreciate Canada's destiny in relation to the North-West. Brown saw the opportunities connected with the west, indeed, far more clearly than he recognised the necessities of the Provinces down east; at any rate he was for giving precedence to the former question. In 1858, however, in a speech at Belleville, he envisaged an ultimate development in both directions when he said: "Sir, it is my fervent aspiration and hope that some here tonight may live to see the day when the British American flag shall proudly wave from Labrador to Vancouver Island, and from our own Niagara to the shores of Hudson Bay."[12]

Until well on in the 'fifties, the lone voices of those who talked on the subject seemed to fall on ears that were mostly deaf. Then, however, with the period of the building of the Grand Trunk drawing to a close, men grew more ready to look beyond their provincial boundaries, and the impending termination of the Hudson's Bay Company's licence, the gold discoveries beyond the Rockies, and the restlessness at Red River, served to attract more general attention to the opportunities which might lie in the west. More

and more often was the subject a topic of discussion in the press and on the platform.

Among the increasing number who treated it with both intelligence and enthusiasm an outstanding figure was Alexander Morris, he who was later the go-between in the negotiations which led to the coalition of 1864. Notable as a preacher of federation, he was equally persistent in advocating the acquisition of the North-West.[13] In his lecture on "Nova Britannia," delivered in Montreal in March 1858, and widely circulated as a pamphlet, he followed his discussion of the possibilities involved in the union of the older Provinces by dilating upon the future of the Red River Settlement. He cited Hind's recent report in support of his glowing prophecies, and urged the establishment of all-the-year communications with the Colony and the opening up, in Imperial as well as Colonial interests, of the vast stretch of rich agricultural territory of which Red River held the key.[14] Thus might a united British North America, long his dream, the sooner be realised. Shortly afterwards he lectured again in Montreal, this time expressly on the subject of "The Hudson's Bay and Pacific Territories."[15] It is interesting to remember that one result of Morris's keen interest in the subject and his long devotion to its serious study was his appointment in 1872 as Lieutenant-Governor of Manitoba, the North-West Territories, and Keewatin.

Missionary activities were a not negligible factor in educating the public concerning the North-West. They were undoubtedly an important source of popular information and a stimulus to interest in the development of that great region. Particularly to be noted in this connection was the publication at Toronto in 1855 of an account of the Hudson's Bay

Territory by the Reverend John Ryerson, who in the previous year had visited it as "co-delegate, and deputation to the Wesleyan Missions in Hudson's Bay." The work was considered a standard source of information, not merely concerning the missions but about the country as well.[16]

The usual popular conception of the North-West as an unproductive wilderness, useless except for its furs and perhaps as a field for missionary enterprise, was bound to be rectified gradually under these educative influences. But significant thinking and endeavour in connection with the problem of the future of the west were still confined largely to leaders in the politico-business world, and even among them to a minority.

NOTES TO CHAPTER XVIII

P. 249, *n.* 1. Gt. Brit., *Parl. Papers*, 1857 (*Sess.* 2), No. 224.260, pp. 437*ff.* The petition bore 575 signatures.

P. 249, *n.* 2. *Ibid.*, p. 435.

P. 249, *n.* 3. *Infra*, p. 258.

P. 250, *n.* 4. At the meeting of the committee, 8th June, 1857, there were present Terrill (Chairman), Robinson, Cauchon (Commissioner of Crown Lands, who had prepared a valuable memorandum for Draper's use), Solicitor-General Smith, and Brown. For the evidence see Gt. Brit., *Parl. Papers*, 1857 (*Sess.* 2), No. 224.260, pp. 385*ff.*; also Canada, *Journals of Legislative Assembly*, vol. xv., 1857, Appendix No. 17.

P. 250, *n.* 5. Minute of Council, 18th July, 1857, Canadian Archives, *State Book R*, pp. 522*f.* The instructions and the report are in Gt. Brit., *Parl. Papers*, 1859 (*Sess.* 2) [2530]. See also Canada, *Journals of Legislative Assembly*, vol. xvi., 1858, Appendix No. 3.

P. 251, *n.* 6. Minutes of Council, 13th January, 30th January, 8th April, 19th April, 1st October, 1858, Canadian Archives, *State Book S*, pp. 237*f.*, 292*ff.*, 487*ff.*, 524; *T*, p. 209. For the instructions see Hind, *North-West Territory: Reports of Progress; Together with a Preliminary and General Report on the Assiniboine and Saskatchewan Exploring Expedition*, pp. 2*f.* See also Dawson, *Report on the Exploration of the Country between Lake Superior and the Red River Settlement, and between the Latter Place and the Assiniboine and Saskatchewan.*

P. 251, *n.* 7. Minutes of Council, 10th March, 28th April, 1859, 18th December, 1860, Canadian Archives, *State Book T*, pp. 581*f.*, 690; *V*, pp. 495*f.*

P. 252, *n.* 8. Minute of Council, 10th March, 1859, Canadian Archives, *State Book T*, pp. 575*ff.* Later Hind expressed readiness to complete the exploration of the south branch of the Saskatchewan for the British Government, but was informed that the latter did "not contemplate any fresh Geographical enquiries in that quarter of Her Majesty's dominions."—Newcastle to Head, No. 58, 13th November, 1859, Canadian Archives, *G* 161.

P. 252, *n.* 9. Patton, *Shipping and Canals*, p. 534.

P. 252, *n.* 10. Gt. Brit., *Parl. Papers*, 1857 (*Sess.* 2), No. 224.260, p. 223.

P. 253, *n.* 11. Hammond, *Confederation and Its Leaders*, pp. 62, 88.

P. 253, *n.* 12. *Ibid.*, p. 62.

P. 254, *n.* 13. Morris, *Nova Britannia*, p. vii.

P. 254, *n.* 14. *Ibid.*, pp. 25*ff.*

P. 254, *n.* 15. Given in full in *ibid.*, pp. 52*ff.*

P. 255, *n.* 16. *Hudson's Bay; or, A Missionary Tour in the Territory of the Honourable Hudson's Bay Company.* On the Red River Settlement see especially Appendix, pp. 157*ff.* Regarding the Catholic missionaries' knowledge of the country see Watkin, *Canada and the States*, pp. 64*f.*

CHAPTER XIX

THE PROBLEM OF COMMUNICATIONS WESTWARD

THE awakening of more general interest in the question of abolishing the Hudson's Bay Company's monopoly and throwing its holdings open to settlement was naturally accompanied by increased talk of a Pacific railway.[1] But, as remarked in an earlier chapter, talk of a route to the Pacific goes back to the days of the first seekers for a "North-west Passage." Alexander Mackenzie, reaching the Pacific overland in 1793, soon proposed "to open and establish a commercial communication through the continent of North America, between the Atlantic and Pacific Oceans."[2] Hardly had steam railways been invented before men envisaged this cross-continent communication in terms of iron and steam. In 1848 Major Carmichael-Smyth, R.E., publicly advocated an inter-oceanic railway from Halifax to the mouth of the Fraser River, and in the following year published a pamphlet, which was the first genuine attempt to demonstrate in detail the practicability of a railway from sea to sea.[3] Interestingly enough his map showed a route almost identical with that later followed by the Intercolonial and the Canadian Pacific lines. The pamphlet created a stir in England. The London *Economist* remarked that the project well deserved to be kept in view, but added that it was "rather for the colonists to execute than for the mother country." Naturally, little could be done with such a vast scheme until the more immediate railway

needs of the Provinces had first been filled. Meanwhile, other ideas were broached, such for example as that of Lieutenant Synge, R.E., for a combined water and land route *via* the Great Lakes and the inland waters of the west.

British-American railways were seldom talked of in any large way, whether the subject under discussion were the Intercolonial, the Grand Trunk, or some other line, without the idea of an extension to the Pacific being broached. As early as 1851, Allan Macdonnell of Toronto even sought a charter of incorporation for the Lake Superior and Pacific Railway Company, but the Legislature reluctantly refused his request "on the ground that the claims of the Indian tribes had first to be adjusted." The Railway Committee, however, held that this great work would "at some future day . . . be undertaken by Great Britain and the United States." They hoped that the Imperial Government would "be led to entertain the subject as one of national importance." In 1858 the same promoter succeeded in obtaining a charter for the North-West Transportation, Navigation and Railway Company, which was "impowered to construct links of railway between navigable lakes and rivers, so as to provide facilities for transport from the shores of Lake Superior to Fraser's River." But he failed to get the necessary backing to materialise his project.[4]

In the same year Sandford Fleming, soon to become British North America's most notable railway construction engineer, a man whose dreams usually came true sooner or later, lectured at Port Hope on the subject of a railway to the Pacific through British territory. He believed that probably the best transcontinental route lay across British soil, and pointed out

that it would not do to have the road begin at Lake Superior because the close of lake navigation in the winter would cut it off from the east for that season. The time was approaching, he thought, when the work would be undertaken, financed, probably, by British capital.[5]

In the group of resolutions adopted in the Canadian Legislature in this same year 1858, concerning matters to be urged upon the consideration of the Imperial authorities, the subject of western communications was dealt with. "In view of the speedy opening up of the territories now occupied by the Hudson's Bay Company, and of the development and settlement of the vast regions between Canada and the Pacific Ocean," ran one resolution, "it is essential to the interests of the Empire at large, that a highway extending from the Atlantic Ocean westward should exist, which should at once place the whole British possessions in America, within the ready access and easy protection of Great Britain, whilst, by the facilities for internal communication thus afforded, the prosperity of those great dependencies would be promoted, their strength consolidated and added to the strength of the Empire, and their permanent union with the Mother Country secured."[6] When the Cartier-Galt-Ross delegation went to England in the same year this question formed one of the subjects of discussion with the Imperial Government along with the questions of the Intercolonial railway, defence, and union of the Provinces.[7]

It must have been at about this time that Cartier came to see that the acquisition of the North-West by Canada might be desirable. For years he and his French-Canadian friends had opposed the opening up of these regions for settlement, fearing that their

development would add to the relative political power of Upper Canada in the Province. Coupled, however, with federation, the opening and acquisition of the North-West would not have that disadvantage. Galt, having won him to the advocacy of federation,[8] probably had little difficulty in converting him also in regard to the North-West.[9]

The American Government also was interested in the question of a trans-continental railway, especially after the settlement of the Oregon Boundary question in 1846 and the acquisition of California in 1848. From 1853 it sent a succession of exploring parties into the western mountains of the United States, primarily to find the best route for a railway to the Pacific. By 1862 the reports and surveys of the expeditions already published filled a dozen large quarto volumes, but none of the surveys offered a favourable prospect for a railway, because of the desert or semi-desert region which each must cross and which it seemed apparent could never be occupied by settlers.[10]

The results of these American surveys confirmed an existing belief that the best route lay across British territory, but it was likewise held by many students of the question that parts of it must also cross American soil. This conclusion was reached by Captain Palliser, whose exploration for the British Government, particularly of the south Saskatchewan and the mountain passes of southern British Columbia, has already been mentioned. His expedition was able to cross the mountains between the Saskatchewan and the sea without entering the United States, but he argued against trying to run a railway through without doing so, deploring the while the fact that the choice of an astronomical boundary line should have

made such advice necessary by alienating the lower Columbia. He reported also that by far the best route into the Red River Settlement passed down the valley of the Red River through American territory *via* St. Paul and Pembina. There would soon, he said, be "no greater difficulty . . . in gaining access to Red River Settlement than to any of the more western towns of the United States . . . not yet reached by railways."[11] The placing of a steamboat on the Red River in 1859 did much to justify Palliser's opinion.

In the following year, 1860, there was presented to the Legislature of Minnesota a report by James W. Taylor of an investigation, undertaken at the instruction of Governor Sibley, regarding the British possessions on the line of route from Pembina *via* the Red River Settlement and the Saskatchewan to the Fraser River. Governor Ramsay recommended the report to the attention of the Legislature as "relating to matters which concern in a great degree the future growth and development of our State." Taylor had been hospitably treated in the British colony. He said in his report: "The people of Selkirk fully appreciate the advantages of communication with the Mississippi River and Lake Superior through the State of Minnesota. They are anxious for the utmost facilities of trade and intercourse. The navigation of the Red River by a steamboat during the summer of 1859 was universally recognized as marking a new era in their annals. This public sentiment was pithily expressed by the remark: 'In 1851 the Governor of Minnesota visited us; in 1859 comes a steamboat; and ten years more will bring the railroad!'"[12]

The American route to Red River was winning out in competition with the old routes. The Hudson's

Bay Company had for many years brought its supplies for that region from York Factory on Hudson Bay. The company mail service had been semi-annual, one packet going to York Factory and the other to Montreal. In 1853 the settlers, not satisfied with this service, had themselves provided a post office at Fort Garry for monthly communication with Fort Ripley in the United States, and four years later the American postal system had been brought nearer by the establishment of an office at Pembina.[13] In 1859, so obvious were the advantages of the Red River route that in that year the Hudson's Bay Company itself began to bring in its supplies for that part of the country *via* St. Paul instead of *via* York Factory.[14]

For military purposes, of course, the American route was not available. As late as 1857 a detachment of troops bound for Red River had to be sent by sea *via* Hudson's Bay. In 1861 it went thence to Canada by the same route.[15] A decade later Wolseley's expedition, sent by the Lake Superior route to quell the Red River rebellion, had practically to make its own road as it progressed.[16]

Yet as early as 1858 an attempt was launched under the auspices of the Canadian Government to establish a regular mail service to Fort William *via* Red River. The Toronto Board of Trade, in its memorial of the previous year,[17] had stressed the danger of losing the North-West to the United States and urged the establishment of a postal route and telegraph line between Canada and the Pacific coast over British soil. Now a group of Toronto men, led by William McD. Dawson and Lewis Moffatt, placed a steamer, the *Rescue*, between Collingwood and Fort William, and proposed to improve the route from Fort William to Red River so that both mail and passengers might be

conveyed all the way to the settlement by carriages and steamboats. They received grants from the Government towards opening the communication and in payment for the carriage of mails, and contributed considerable capital themselves. Mail service was opened in the summer of 1858, twice a month from Collingwood to Fort William by steamer and thence by canoe. The attempt was made to maintain a monthly service in winter by snow-shoe courier and dog-sled along the north shore of the lakes, but this service was very irregular.[18] After a number of "works" had been accomplished along the line, the company abandoned operations in 1861, apparently because of lack of means and uncertainty as to whether the Canadian Government would consent to shoulder the losses incident to the initial stages of the undertaking.[19] The route could not yet hope to compete on equal terms with that already established over American soil by way of St. Paul and Pembina.

The members of this so-called "Rescue" Company were disappointed also in a larger project. They planned a North-West Transit Company to carry mails and passengers by wagons and steamboats across the continent. For operations west of Red River they hoped for Imperial assistance, and accordingly tendered for the carriage of British mails to the Pacific. The Montreal and Liverpool Ocean Steamship Company (the Allan Line) wished to co-operate in the service and thereby obtain additional subsidies, and Dawson and Hugh Allan petitioned the Canadian Government for its aid in securing Imperial support. The Canadian Government was favourably inclined towards the new company, but held that the contract with the steamship line already provided for all mails between Liverpool and Canada.

The applicants were accordingly informed that should the British Government decide to send the Pacific mails *via* Canada, the Canadian Government would place at its disposal, or at that of the parties who might contract for the delivery of the said mails, the existing ocean and inland mail service of Canada from Liverpool to Red River, upon receiving from the Imperial Government a subsidy of £30,000 yearly for such service, provided that the arrangements of the contractors with the Imperial Government for the service through Canada were approved by the Canadian Government. The British Government, however, refused to entertain the proposals of the North-West Transit Company because of the very large subsidy that would be required for a service so small, at present, as the carriage of mails by such a route would be, although, so Newcastle stated, it appreciated the great political advantages of a communication through British North America.[20]

By this time many interests had come to an appreciation of the North-West question, but as yet they were unable to agree to pull together. In the next few years influences were merged to a surprising extent, and the irreconcilables had to see decisions arrived at in spite of them. But the road to final and saving action was still to prove devious and difficult,

NOTES TO CHAPTER XIX

P. 257, *n.* 1. John Ross, before the British Select Committee of 1857, said: "A regular discussion of the question has never arisen until the course of last summer, that I am aware of."—Gt. Brit., *Parl. Papers*, 1857 (*Sess.* 2), No. 224.260, p. 3.

P. 257, *n.* 2. Johnson, *First Things in Canada*, pp. 27*ff.*, gives a list of proposals from 1679 on.

P. 257, *n.* 3. The writer had discussed the project with his voyaging

companions, T. C. Haliburton and Joseph Howe. *Cf.* McLeod ("Britannicus"), *Letter, etc., on Pacific Railway*, p. 3.

P. 258, *n.* 4. Johnson, *loc. cit.*; Skelton, *Railway Builders*, p. 114. See also enclosures in Carnarvon (for Lytton) to Head, No. 54, 13th April, 1859, Canadian Archives, *G* 159.

P. 259, *n.* 5. Quotations from the lecture are in Burpee, *Fleming*, pp. 110*ff.* Fleming told George Johnson that his attention was first turned to the subject by Carmichael-Smyth's pamphlet, soon after its publication, when he became satisfied of the feasibility of the plan.—Johnson, *op. cit.*, p. 31.

P. 259, *n.* 6. Gt. Brit., *Parl. Papers*, 1864, No. 530, p. 19. Printed also in Fleming, *Intercolonial*, p. 57.

P. 259, *n.* 7. Minute of Council, 4th September, 1858, Canadian Archives, *State Book T*, p. 106.

P. 260, *n.* 8. Hammond, *op. cit.*, p. 115.

P. 260, *n.* 9. Senator L. O. David, a life-long disbeliever in federation, on French-Canadian nationalistic grounds, says, in *L'Union des Deux Canadas*, p. 221, that Cartier counted on the support of Manitoba being given to Lower Canada, as he believed it would become a French and Catholic province, but that he lived long enough to assist towards the ruin of his hopes. Is it possible that the Senator's own disappointment over the outcome has coloured his view of Cartier's position?

P. 260, *n.* 10. Gt. Brit., *Parl. Papers*, 1863 [3164], p. 4; Watkin, *op. cit.*, pp. 62*f.*

P. 261, *n.* 11. Gt. Brit., *Parl. Papers*, 1863 [3164], pp. 16*f.* This paper contains his final report and the full journals of the expedition for 1857, 1858, 1859, 1860. Partial preliminary reports, containing folded maps, were printed in *Parl. Papers*, 1859 (*Sess.* 2) [2542] and 1860 [2732]. It is interesting that in spite of the fact that several railways have penetrated the mountains of British Columbia, a motor-car could find no road through so recently as 1912, but had to cross the American border for some miles. Neither was there a passable road from Sault Ste. Marie to Fort William.—Wilby, *Motor Tour through Canada*, pp. 140, 237, 241*ff.*

P. 261, *n.* 12. Russell, *Canada: Its Defences, Condition, and Resources*, pp. 329*f.* *Cf.* James W. Taylor, *Relations between the United States and the North-West British America.* See also Theodore C. Blegen, "James Wickes Taylor, a Biographical Sketch" (*Minnesota History Bulletin*, vol. i. No. 4, pp. 153–219). Regarding the navigability of the Red River see a statement reprinted from a Chicago paper in the Toronto *Leader*, and enclosed in Head to Lytton, No. 156, 14th December, 1858, Gt. Brit., *Parl. Papers*, 1859 (*Sess.* 2) [2530], pp. 162*f.* This paper consists chiefly of reports of Dawson and Hind sent to the Colonial Secretary in response to his request for "any information which might prove useful to Her Majesty's Government in the event of its being determined to form a Colony within the limits I have mentioned."—Lytton to Head, No. 58, 14th September, 1858, Canadian Archives, *G* 158.

P. 262, *n.* 13. Smith, *History of the Post Office in B.N.A.*, pp. 316*ff.*

P. 262, *n.* 14. Begg, *Hist. of the North-West*, vol. i. pp. 324*f.* The old and new methods are described in Pennington's *Railways and Other Ways*, p. 141.

P. 262, *n.* 15. *Hansard*, 3rd Ser., vol. cxlvi. p. 882; Begg, *op. cit.*, vol. i. p. 322.

P. 262, *n.* 16. Butler, *The Great Lone Land* (10th edition, 1881), p. 77.

P. 262, *n.* 17. *Supra*, p. 249.

P. 263, *n.* 18. *Cf.* Smith, *op. cit.*, p. 319.

P. 263, *n.* 19. Minutes of Council, 23rd October, 1858; 23rd August, 1859; 7th December, 1859; 12th January, 1860, Canadian Archives, *State Book T*, p. 253; *U*, pp. 285, 504*ff.*, 568; Moffatt to Foley, February 1863, Canada, *Journals of Legislative Assembly*, vol. xxii., 1863, Sessional paper No. 29, pp. 14*ff.* This paper, comprising communications relating to the opening of a route to Red River, is continued in No. 31.

P. 264, *n.* 20. Minute of Council, 13th June, 1859, Canadian Archives, *State Book U*, pp. 150*ff.*; Head to Lytton, No. 76, 13th June, 1859, Canadian Archives, *G* 463; Newcastle to Head, No. 27, 22nd August, 1859, *G* 160.

CHAPTER XX

COMMUNICATIONS AND THE HUDSON'S BAY COMPANY

The advocates of North-West transit gained new strength as a result of Edward Watkin's visit to Canada in 1861 in the interests of the Grand Trunk Railway. It has already been told how he believed that the salvation of that railway lay in pushing its connections to the Lower Provinces and the Pacific. While he was unsuccessful in gaining his immediate desires in either direction, his zeal as a propagandist stimulated interest in both. Regarding the western project, his first idea, in favour of a railway, gave way to the more immediately feasible scheme of a wagon-road and telegraph, and he set himself to pushing the proposals for such North-West transit, which were now taken up by the British capitalists with whom he was associated, and also by the Canadian Government, which entered into correspondence on the subject with the Hudson's Bay Company.

Taking the stand that the abandonment of the recent attempt to establish postal service with Red River had been forced by Canada's lack of territorial rights at Red River and along the greater part of the route, the Government asked the company, without any prejudice to the latter's territorial claims, to render practical aid in establishing communications across the continent. Canada was prepared to establish steam and stage communication to the limit of the territory under her Government, and to unite with the company in a mail service and post route

to British Columbia, also to guarantee the construction of a telegraph line to the western limits of the Province.

A. G. Dallas, the new Governor of Rupert's Land, replied unfavourably. He asserted that a chain of settlements in the Red River country and the Saskatchewan valley would deprive the northern posts of their supply of buffalo meat now obtained from the herds which roamed these regions, and would otherwise interfere with the northern trade, in short would render it impossible for the company longer to exist on its present footing. Nor did the company have the resources, he contended, with which to share responsibility for such an undertaking as Canada proposed.[1] Old Governor Berens in London transmitted the correspondence to Newcastle and took occasion to conjure up difficulties in the way of the undertaking, such as "a vast desert" through which the line would have to pass, prairie fires, and roving bands of Indians. The company, he said, could undertake no outlay in connection with the schemes suggested by the Canadian Government. But he reiterated the company's willingness "to surrender the whole or any part of the territorial rights upon terms that would secure fair compensation to the proprietors, as well as to the officers and employees in the country."[2]

The Canadian Government thus having, it appeared, no means of acting upon the company except through the British Government, now asked the latter to take such steps as might enable it to carry into execution its desire for an extension of postal service to the Pacific.[3] Newcastle replied that while it was "not in the power of Her Majesty's Government to grant assistance from Imperial funds for carrying out the

object . . . in view, there would be every desire on their part to co-operate in any well-devised scheme for effecting this important communication across the American continent."[4]

This reply of Newcastle arrived shortly after the fall of the Cartier-Macdonald Cabinet and the accession of that of Sandfield Macdonald and Sicotte. The change of Administration, however, did not mean abandonment of the project. True, a contract only recently entered into by the late Government for mail service between Collingwood and Fort William was rescinded on the ground that it was improvident, and useless as regarded the opening up of the territory; but another contract for similar service was shortly made as a temporary measure pending action of a more permanent character.[5]

Postmaster-General Foley made a further study of the question, and on 17th October presented an extensive report to the Cabinet recommending that immediate steps be taken to begin work at the opening of navigation the next year with two objects, "first, the establishment of a regular mail service to the head of Lake Superior; and, secondly, the construction of roads, and the improvement of the lakes and rivers thence westward towards British Columbia." He estimated that the total cost, including steam service on Lake Superior and the navigable waters beyond, would not exceed £200,000. With reasonable Government encouragement he felt sure that the necessary means could be obtained, and he had no doubt, he said, from the repeated assurances of Newcastle, that effective co-operation could be relied upon from the Imperial Government. Coming to the question as to what might reasonably be expected from Canada, he recommended that Parliament

be asked to grant an annual subsidy of, say, $50,000 for a term of years.[6]

The Canadian Government let the matter remain in abeyance for the time, as delegates were about to proceed to England from the Provinces to discuss this matter in connection with the Intercolonial railway. In the instructions to Sicotte and Howland the western project was emphasised, for to many Canadians it seemed more important than connections with the Maritime Provinces. "The Government are convinced," ran the instructions, "that in view of the financial burdens already borne by the Province and the unwillingness of the people to incur additional liabilities (of which additional taxation would be a necessary consequence) the realization of the hopes entertained in relation to the opening of the North West is essential to render the construction of the Intercolonial Railway acceptable to the Province. Whilst therefore, they propose no specific terms as to the action which the Imperial Government may deem it their duty to take in the matter, they cannot neglect the opportunity of impressing upon the Imperial Government the anxiety with which such action is looked forward to as a means of promoting the interests of Canada, and consummating the policy of which the Intercolonial Railway is a part."[7]

The story of the negotiations that followed in England has already been told so far as they dealt with the Intercolonial. Much time was spent also on the question of North-West transit. As previously remarked, the interest of the financial group headed by the Barings and Glyns had been enlisted as an outcome of their involvement in the problem of the Grand Trunk. During the summer of this year (1862) they asked Newcastle if a company formed to build

a road and telegraph to the Pacific might hope to receive a grant of land in aid of construction, even if not a money grant. The Colonial Secretary replied that financial aid was out of the question, and that except in British Columbia he had no power to grant land for the purpose. He hoped, however, that land might be obtained from the Hudson's Bay Company and from Canada as well as from British Columbia, and promised to give the scheme every encouragement in his power. Under his friendly eye negotiations were pursued by Watkin and this financial group with the Hudson's Bay Company and with the two Canadian delegates.[8]

The Hudson's Bay Company refused to do more in aid of the project than to make a free grant of land for the actual site of the proposed work. As such a grant would be no source of income, the promoters felt it necessary to ask aid in the form of guarantees from the Imperial and Provincial Governments. The Canadian delegates expressed willingness to recommend Canada's participation with the Imperial Government and British Columbia in such a guarantee of four per cent. upon a capital not exceeding £500,000, or even with British Columbia alone should the Imperial authorities refuse to undertake the obligation.[9]

In their memorandum of 23rd December, repudiating the result of the Intercolonial negotiations, Sicotte and Howland referred to the "great and national road which Canada [was] . . . anxious to build by the largest and most liberal contribution, from the Atlantic to the Pacific."[10] In February the Provincial Government adopted the report of Postmaster-General Foley of the previous October and decided to place $50,000 in the estimates for securing postal and telegraphic service to British Columbia. This

sum, it may be noticed, would just meet the proposed four per cent. guarantee on half of £500,000.[11]

From Quebec on 3rd April, Howland wrote Watkin a letter in which he again placed the importance of opening up the North-West before that of the Intercolonial.[12] And he reported the arrival of Sandford Fleming as delegate commissioned by the people of Red River to bear a memorial to the Canadian and British Governments urging the opening of communications to Lake Superior and to the Pacific.[13] Fleming not only delivered this memorial but also presented his own arguments for the undertaking. Shortly he proceeded to England armed in addition with credentials from Monck. That he thus came under the immediate notice of the Colonial Secretary was doubtless the cause of the latter's nominating him a few months later to represent the British Government as well as the Provinces in the exploratory survey for the Intercolonial.

Meanwhile, negotiations had been proceeding in London and Watkin had been instrumental in forming the Atlantic and Pacific Transit and Telegraph Company. Proposals were drawn up and he submitted them to Newcastle for approval. There were to be grants of the necessary land and rights from the Imperial Government, the Colonies of Canada and British Columbia and the Hudson's Bay Company. The two Colonies were to share in guaranteeing a profit of from four to five per cent. on the capital expended up to a limit of £500,000. It was also proposed that, should the line run through any Crown land not within the limits of Canada or British Columbia nor within the territory claimable by the Hudson's Bay Company, the Transit and Telegraph Company should "be entitled to demand Crown

grants to the extent of five square miles for every mile of telegraph line within such Crown land." [14]

The Colonial Secretary approved in general, but thought the Colonies should be protected against the liability of having to pay interest for any lengthened period without receiving the corresponding benefit of direct telegraphic communication between the seat of Government in Canada and the Pacific coast. "It must therefore be understood," ran his reply, "that the commencement of the undertaking must depend on the willingness of the Canadian Government and Legislature to complete telegraphic communication from the seat of Government to the point on Lake Superior at which the Company will take it up. Nor could his Grace strongly urge on the Colonies of Vancouver Island and British Columbia the large annual guarantee which this project contemplates, unless there were good reason to expect that the kindred enterprise of connecting Halifax and Montreal by railway would be promptly and vigorously proceeded with." [15]

There seemed some uncertainty at the time as to the last condition being fulfilled. Newcastle, nevertheless, recommended the project for the acceptance of the Colonial Governments,[16] and apparently was really hopeful that it would be executed at no distant date.[17]

No doubt some of the duke's hopefulness may be attributed to the reorganisation of the Hudson's Bay Company that was then taking place. From 1st December, 1862, negotiations had been proceeding with this end in view. Watkin and his associates had come to believe a change in the control of the company imperative because of the certainty that the old interests would grant no large tract of land

through the small "fertile belt," but only a right of way. And fortunately those interests, while feeling that to give up more than a right of way would mean the destruction of the fur trade, were not unwilling to sell out, at the price, Governor Berens told the duke, of about a million and a half pounds.[18]

Watkin tried hard to induce Newcastle to have the Imperial Government itself become the purchaser, and he suggested various expedients by which the deal could be financed without burdening the exchequer. But his efforts were unavailing, and the failure he charged chiefly to the opposition of the permanent officials of the Colonial Office, of whom the chief was Sir Frederic Rogers.[19] His wife's settlement was in Hudson's Bay shares and he was expected, in consequence, to be well informed regarding the territory. But Newcastle told Watkin in 1861 that Rogers "had expressed to him grave doubts of the vast territory in question being ever settled, unless in small spots here and there."[20] Without the direct participation of the Imperial Government, Thomas Baring now concluded that the Pacific scheme involved too much risk for private persons to take, and accordingly he, and the elder Glyn with him, refused under the circumstances to be promoters of the project.[21]

In spite of conservative counsels, however, the rest of the group interested in the Pacific transit proposal decided to buy out the Hudson's Bay Company, and upon finding that spot cash must be paid they had recourse to the just founded International Financial Society, Limited, an organisation comprising much the same group. The society financed the transaction, issuing "new stock to the public to an amount which covered a large provision of new capital for an exten-

sion of business by the Company, and," adds Watkin, "a profit to themselves and their friends who had taken the risk of so new and onerous an engagement."

In the reorganisation of the Hudson's Bay Company following the purchase, Sir Edmund Head, late Governor-General of Canada, was elected governor of the company. The new proprietors were to carry on the present trade under the charter, but it was planned to administer the company's affairs "on such principles as to allow the gradual settlement of such portions of the territory as admit[ted] of it, and facilitate the communication across British North America by telegraph or otherwise."

The new committee of the company at once decided to send Watkin to Red River to report "on the condition of that settlement, the condition of the neighbouring territory, the prospects of settlement therein, and the possibility of commencing operations for a telegraph line across the southern district of Rupert's Land."[24] He was already in Canada and he spent a good part of the summer there working in the interests of the new Hudson's Bay Company. He did not get to Red River himself, but Governor Dallas came down to Montreal and they were able to go thoroughly into the various questions involved.[25]

He came to the conclusion that the unsatisfactory state of government in the Red River Settlement was attributable in part to the habitual attempt in England and in Canada to discredit the rights and traditions of the Hudson's Bay Company, and in part to the false economy which in 1861 had withdrawn the military force, upon which must rest in the last resort the decisions of legal tribunals. The government of the Colony and the responsibility for settlement should, he felt, be assumed either by England

or by Canada, but even if the company still had to govern the whole territory, a military force was the first essential.

Apart from the continuance of government by the company, he considered three possibilities: annexation to the Province of Canada of a tract extending to the British Columbia boundary, the formation of a separate Colony totally independent of Canada, and the formation of a separate Colony but "with federation, more or less extensive, with Canada, and the establishment of a customs union between the new and old communities."[26]

He discussed the question with the Canadian Government, also with the leaders of the Opposition, in case there might be a change of Ministry. He reported that he found Sandfield Macdonald, Cartier, John A. Macdonald, and Cazeau, the Vicar-General and leader of the Catholic Party in Lower Canada, all strongly in favour of the establishment of a separate Crown Colony, the line of action which he understood was also favoured at the time by the company's committee and by Newcastle. George Brown and the "Grits," on the other hand, desired annexation of the territory to Canada in order to give Upper Canada preponderance for all time in the government of the Province.[27] This course, however, Watkin considered impracticable because Lower Canada was not likely to submit to seeing Upper Canada become so greatly her superior. An independent Crown Colony would probably have sufficient prestige to maintain a British character and it would not excite Canada's jealousy as rule by the company would do, but there would be danger that in the future fiscal barriers might be raised against the other Provinces. On the whole he felt that "a Crown Colony with such a

federation as would not alter the political balance of Upper and Lower Canada, and with a system of free trade with Canada, would appear to solve the whole difficulty." Such an arrangement would promote instead of stand in the way of the future union, federal or legislative, of all the British North American Provinces, which he assumed would some day be consummated.[28]

In this summer of 1863 Watkin also made tentative arrangements for the extension of a telegraph line to Halifax by the Montreal Telegraph Company and for the building of a line by the Hudson's Bay Company westward through its territory to Fort Langley and eastward to Fort William. His company was also to arrange for a line from Fort William to Sault Ste. Marie, dependent upon the action of the Canadian Government, failing which the route to Fort Garry should be *via* Detroit, St. Paul, and Pembina.[29] He urged upon Sir Edmund Head that the western section be undertaken at once, having been assured by Sandfield Macdonald, as he understood it, that the offer of a subsidy by the Canadian Government in the previous winter would be renewed.[30] But the sanguine promoter had gone ahead of his instructions as interpreted by the governor and committee of the company, and they now declined to endorse his tentative agreements for the establishment of telegraphic communications.[31]

Watkin had also hoped too much from the Canadian Government.[32] When the latter finally, in February 1864, took action upon the proposals received in the previous May from the Atlantic and Pacific Telegraph Company, the action was unfavourable. The Government were unwilling to guarantee a mere line of telegraph, insisting that a road must be part of

the undertaking from the beginning, because a telegraph without a road would be of little use in opening up the country to settlement. They refused also to guarantee more than four per cent., in spite of the fact that without the participation of the Imperial Government in the guarantee it might be necessary to offer more in order to raise the required capital. They were of opinion, however, in view of the recent change in the constitution and objects of the Hudson's Bay Company, and the territorial claims reiterated by the new organisation, that it was "highly expedient that steps be taken to settle definitely the north-western boundary of Canada." They therefore decided to negotiate with the Imperial Government "with the view to the adoption of some speedy, inexpensive, and mutually satisfactory plan to determine this important question," and resolved also to assert Canada's claim "to all that portion of Central British America which [could] . . . be shown to have been in the possession of the French at the period of the cession in 1763."[33] This policy was announced in Monck's speech from the throne on the following day, and in the debate on the speech it was further expounded by McDougall, now Minister of Crown Lands.

Newcastle was no readier than in the past to dismiss the company's claims in summary fashion. Accordingly he continued negotiations that had now been going on for some months with Head with a view to the purchase of the company's territorial rights by the Crown. Negotiations were in progress when the duke's ill-health at last compelled his retirement. He was succeeded at the Colonial Office by Edward Cardwell, who refused to accept the company's latest proposals without modification,[34] and before carrying matters further waited to learn

whether Canada would be willing to take over the government of any portion of the territory.[35] His despatch of enquiry arrived soon after the formation of the coalition of 1864. An immediate answer was out of the question; its nature must depend upon the progress of political events in Canada and the other Provinces during the next few months.

NOTES TO CHAPTER XX

P. 268, *n.* 1. C. Alleyn to A. G. Dallas, 15th April, 1862, and Dallas to Alleyn, 16th April, 1862, Canadian Archives, *State Book X*, pp. 188*ff.* Printed in Gt. Brit., *Parl. Papers*, 1863, No. 438, pp. 4*f.*

P. 268, *n.* 2. Berens to Newcastle, 19th May, 1862, enclosed in Newcastle to Monck, No. 124, 3rd June, 1862, Canadian Archives, *G* 168. Printed in Canada, *Journals of Legislative Assembly*, vol. xxii., 1863, *Sessional Paper* No. 29, pp. 4*f.* The company now so far accepted the inevitable as to make grants of land to settlers at Red River without any restriction as to its rights of exclusive trade.

P. 268, *n.* 3. Monck to Newcastle, No. 79, 25th April, 1862, Canadian Archives, *G* 464. Printed in Gt. Brit., *Parl. Papers*, 1864, No. 402, p. 3.

P. 269, *n.* 4. Newcastle to Monck, No. 124, 3rd June, 1862, Canadian Archives, *G* 168. Printed in Gt. Brit., *Parl. Papers*, 1864, No. 402, p. 5.

P. 269, *n.* 5. Minutes of Council, 1st August, and 22nd August, 1862, Canadian Archives, *State Book X*, pp. 421, 479. The contracts were respectively with Dick and Ginty and with John McLeod.

P. 270, *n.* 6. Canadian Archives, *State Book Y*, pp. 247*ff.* Printed in Gt. Brit., *Parl. Papers*, 1864, No. 402, pp. 6*ff.* The route from Lake Superior to Red River was at this time impracticable for the passage of immigrants, according to the opinion of W. M. Dawson. The British Columbia Overland Transit Company, an English concern, took out a number of immigrants in this year by way of St. Paul. Regarding this immigration see Newcastle to Monck, No. 121, 29th May, 1862, Canadian Archives, *G* 167, and Monck to Newcastle, No. 97, 11th June; No. 99, 16th June; No. 110, 8th July; No. 125, 15th August, 1862, Canadian Archives, *G* 464.

P. 270, *n.* 7. Minute of Council, 22nd October, 1862, Canadian Archives, *State Book X*, pp. 635*ff.*

P. 271, *n.* 8. Baring, etc., to Newcastle, 5th July, 1862, and the following correspondence, Gt. Brit., *Parl. Papers*, 1863, No. 438, pp. 5*ff.* See also Newcastle to Monck, No. 190, 29th November, 1862, Canadian Archives, *G* 168.

P. 271, *n.* 9. Watkin to Newcastle, 27th December, 1862; also several memoranda embodying the terms of the Canadian delegates, 8th December to 20th December, Gt. Brit., *Parl. Papers*, 1863, No. 438, pp. 8*ff.*

P. 271, *n.* 10. Gt. Brit., *Parl. Papers*, 1864, No. 530, p. 23.

P. 272, *n.* 11. Minute of Council, 9th February, 1863, Canadian Archives, *State Book Y*, pp. 247*ff.* Printed in Gt. Brit., *Parl. Papers*, 1864, No. 402, pp. 6*ff.*

P. 272, *n.* 12. Howland to Watkin, 3rd April, 1863, Watkin, *Canada and the States*, pp. 106*ff.* An extract is printed in Gt. Brit., *Parl. Papers*, 1863, No. 438, p. 12.

P. 272, *n.* 13. The memorial, dated 21st January, 1863, is in Gt. Brit., *Parl. Papers*, 1864, No. 402, pp. 12*f.*, also in Burpee, *Fleming*, pp. 61*f.*

P. 273, *n.* 14. For further details see Watkin to Newcastle, 28th April, 1863, and enclosed heads of proposals, Gt. Brit., *Parl. Papers*, 1863, No. 438, pp. 12*f.*

P. 273, *n.* 15. Fortescue to Watkin, 1st May, 1863, *ibid.*, pp. 13*f.* Also in Watkin, *op. cit.*, pp. 115*ff.* On Newcastle's loathness to give the Canadian Government the transit scheme without the Intercolonial, as they would seem to have preferred, see his letter to Watkin, 6th January, 1863, *ibid.*, pp. 104*f.*

P. 273, *n.* 16. Newcastle to Monck, No. 49, 1st May, 1863, with enclosures, Canadian Archives, *G* 169.

P. 273, *n* 17. T. F. Elliot to Sandford Fleming, 29th June, 1863, Gt. Brit., *Parl. Papers*, 1863, No. 438, p. 21. *Cf.* Newcastle to Monck, No. 67, 4th July, 1863, Canadian Archives, *G* 170.

P. 274, *n.* 18. Watkin, *op. cit.*, pp. 115, 120*ff.* The whole of chap. viii. is devoted to an account of negotiations for the purchase.

P. 274, *n.* 19. *Ibid.*, pp. 121*ff.*

P. 274, *n.* 20. *Ibid.*, p. 65.

P. 274, *n.* 21. *Ibid.*, p. 124.

P. 275, *n.* 22. *Ibid.*, p. 127. The prospectus of the Int. Fin. Soc., issued at the end of June 1863, is in Gt. Brit., *Parl. Papers*, 1863, No. 438, pp. 17*ff.* Newcastle's account of the transaction to the House of Lords, 3rd July, 1863, is quoted in Watkin, *op. cit.*, pp. 147*ff.*

P. 275, *n.* 23. Head to Newcastle, 3rd July, 1863, Gt. Brit., *Parl. Papers*, 1863, No. 438, p. 17. Regarding the internal reorganisation of the company, the new "deed poll" with the "wintering partners," etc., see Watkin, *op. cit.*, pp. 144*ff.*; Willson, *Life of Strathcona*, pp. 123*ff.*

P. 275, *n.* 24. Extract of a minute of the Committee of the Hudson's Bay Company, 6th July, 1863, Gt. Brit., *Parl. Papers*, 1863, No. 438, p. 20. For Watkin's account of his mission see Watkin, *op. cit.*, pp. 152*ff.*

P. 275, *n.* 25. *Ibid.*, p. 203.

P. 276, *n.* 26. *Ibid.*, pp. 163*ff.*

P. 276, *n.* 27. *Ibid.*, p. 180. This Upper Canadian group, he explained, wished to confiscate the property of the company. While he himself advocated the transfer from the company of territory to be thrown open to settlement, he had no fancy for a one-sided bargain.—*Ibid.*, p. 173.

P. 277, *n.* 28. *Ibid.*, pp. 171*f.*

P. 277, *n.* 29. For the memoranda of agreement between Watkin and the manager of the Montreal Telegraph Company see *ibid.*, pp. 174*ff.* For a further account of the negotiations see Watkin to Head, 26th August, 1863, *ibid.*, pp. 188*ff.*

P. 277, *n.* 30. Watkin to Head, 24th July, 1863, *ibid.*, pp. 179*ff.*

P. 277, *n.* 31. Watkin to Head, 26th August, 1863, *loc. cit.*

P. 277, *n.* 32. In *ibid.*, pp. 193*ff.*, he recounts their friendly attitude towards the company's new policy regarding the North-West, quoting an inspired statement in the Quebec *Mercury*, a Government organ, handed to him by Howland. Later, when he wrote John A. Macdonald, 18th February, 1865, proffering advice in regard to the North-West, was it perhaps a memory of the disappointment of his hopes at this time which led him to say: "I never like to intrude myself in Canadian affairs, as I have had so many snubbings for doing it"?—Pope, *Correspondence of Sir John Macdonald*, p. 22.

P. 278, *n.* 33. Minute of Council, 18th February, 1864, Gt. Brit., *Parl. Papers*, 1864, No. 402, pp. 15*f.* The Assembly of Vancouver, by resolution of 25th November, 1863, had expressed warm interest in the scheme of the company, but deferred active measures until the intentions of the Canadian Government should have become known.—Fortescue to Monck, No. 17, 9th February, 1864, Canadian Archives, *G* 171.

P. 278, *n.* 34. For the terms discussed at this time see Brown's "Report" of 26th January, 1865, Canadian Archives, *State Book AB*, pp. 209*ff.* Printed in Canada, *Documents Relating to Opening up North-West Territories to Settlement and Cultivation*, 1865; also in Gt. Brit., *Parl. Papers*, 1864, No. 402, p. 16.

P. 279, *n.* 35. Cardwell to Monck, 1st July, 1864, Gt. Brit., *Parl. Papers*, 1864, No. 550, pp. 1*f.*

CHAPTER XXI

THE DOMINION GAINS THE NORTH-WEST AND A PACIFIC FRONTAGE

The coalition's inclusion of Brown and McDougall, with their long record as educators of the public concerning the North-West, ensured, if such ensurance were necessary, that the future of that great region, already, as has been seen, a subject of serious study to the Canadian Government, should be taken into full account in the constitution-making task now facing the new Administration. That such was the case is evidenced by the recognition accorded the problem in the Resolutions of the Quebec Conference. The tenth provided for the admission, into the Union, of the North-West Territories, British Columbia, and Vancouver. Such provision, however, without adequate means of communication, would be vain. Accordingly, the sixty-ninth recognised "communications with the North-Western Territory and the improvements required for the development of the Trade of the Great West with the Seaboard . . . as subjects of the highest importance to the Federated Provinces," to be prosecuted at the earliest possible period that the finances would permit.

One of the improvements contemplated among those required for the development of the western trade with the seaboard was a ship canal from Lake Ontario to Georgian Bay *via* Lake Simcoe. In June a Legislative Committee had reported in favour of such a project "on national and provincial grounds"

as an important "adjunct to the commerce of Canada and the Great West." The approaching necessity of improving the facilities of intercourse across the continent to the Pacific was advanced by the committee as an argument in favour of the lesser project. The committee's chief witness, Kivas Tully, C.E., presented many facts to show that unless a shorter and more favourable outlet were constructed than already existed, the St. Lawrence route could never divert the western trade from the Erie Canal and the Hudson River.[1] Many Upper Canadians who did not yet fully appreciate the possibilities of the British North-West nevertheless felt that such works as this canal were of more importance to them than an Intercolonial railway. Therefore, if the latter was to be built by the new General Government at the insistence of the Lower Provinces, they demanded that the improvement of western communications should also be undertaken by the same authority.[2] The inclusion of both projects in the Quebec Resolutions was thus in a sense a means of reconciling diverse sectional interests.

With the Quebec Conference over,[3] the Canadian Government were in a position to deal with Cardwell's request of 1st July that they inform him whether Canada would be willing to take over the government of any portion of the Hudson's Bay Company's territory, and that if willing so to do they send a delegate to participate in negotiations to that end.[4] They now expressed their readiness to render all the aid in their power towards opening up the country. They characterised the effort that was being made, "with every prospect of success, by the Governments of Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island for the Union of all these

Provinces under one Government," as presenting another strong reason for settling promptly the future position of the North-West country, more especially in view of the provision, unanimously agreed to, in the proposed federation scheme, for the admission of the North-West Territory and British Columbia and Vancouver. But they held that the first step towards the settlement of the territory and the establishment of local governments there was the extinction of all the Hudson's Bay Company's claims to proprietary rights in the soil or to exclusive rights of trade, and that it was for the Imperial rather than the Canadian Government to end a monopoly originating in an English charter and enjoyed so long under Imperial sanction. When such negotiations should have been completed the Canadian Government would be ready to arrange for the annexation of the territory to Canada, for the government thereof and for the provision of communications, or if a Crown Colony were to be preferred, would gladly co-operate in opening up communication and in promoting settlement.[5]

George Brown was entrusted with further negotiations in England. He arrived there in December, and did his best to maintain the thesis that the company's territorial claim was invalid, and that therefore there should be no thought of paying the £1,000,000 which Head demanded on behalf of the company, at least until the claim had been passed upon. If the company's pretensions were admitted for the sake of argument, he contended that £1,000,000 was yet too much, even for the entire extinction of their claims. Only eighteen months earlier their whole concern had changed hands for £1,500,000, and the recent prospectus valued their material assets, exclusive of territorial rights, at over £1,000,000. "I

admitted," however, he later reported, "that it was for Her Majesty's Government to settle with the Hudson's Bay Company the consideration to be paid for the extinction of their claims, as it could not be expected that the people of Canada should bear the burthen of extinguishing a monopoly that they did not create and have never recognized and the advantages from the extinguishing of which they would only share in common with the rest of Her Majesty's subjects. I urged that the Imperial Government should without delay secure the extinction of the Company's claims, and that the Government of Canada would be prepared to assume the duty and cost of opening up communication into the country and establishing local government in the settled portions." As Brown had to be home for the opening of the Canadian Legislature in January, he was unable to press matters to a close, but arranged with Cardwell that the negotiation might be resumed later in the year when the proposed delegation of members of the Canadian Government visited England.[6]

In the interim the Quebec Resolutions were debated in the Canadian Legislature. An incident of the discussion is worthy of notice in the present connection. A. A. Dorion could not forget his animus against the Grand Trunk crowd and all their schemes. In the course of attacking federation as a means of defence, he said: "I must confess, Mr. Speaker, that it looks like a burlesque to speak as a means of defence of a scheme of Confederation to unite the whole country extending from Newfoundland to Vancouver's Island, thousands of miles intervening without any communication, except through the United States or around Cape Horn." An exclamation of "Oh!" greeted this remark, and Cartier reminded him: "There is an

Interoceanic Railway to be built." "Yes," replied Dorion, "I suppose that is another necessity of Confederation, to which we may soon look forward. Some western extension of this Grand Trunk scheme for the benefit of Messrs. Watkin & Co., of the New Hudson's Bay Company." [7] There was probably as much basis for this contention as for his accusation that the revival of the Intercolonial railway scheme was due to unholy machinations of Watkin and the Grand Trunk. But in one case as much as in the other the country was fortunate that its problems were not being considered solely by men of provincial vision.

One of the subjects entrusted to the delegates who went from Canada in the spring of 1865 to confer on provincial matters with the Imperial Government was that of "arrangements necessary for the settlement of the North-West Territory and Hudson's Bay Company's claims." [8] The delegates, John A. Macdonald, Cartier, Brown, and Galt, shortly became convinced "of the impossibility of enforcing the end sought by Canada without long-protracted, vexatious and costly litigation." The company, being in possession, could protract proceedings indefinitely, and the British Government were evidently unwilling to ignore claims which had frequently received their "*quasi* recognition." In view of the vital importance to Canada of having the North-West opened to Canadian enterprise and the migration thither directed through Canadian channels, together with the danger of rapid settlement being hindered by larger grants of land passing into the hands of "mere moneyed corporations," and the risk that the gold discoveries recently reported on the eastern slope of the Rockies "might throw into the country large

masses of settlers unaccustomed to British Institutions," the delegates, therefore, concluded "that the quickest solution of the question would be the best for Canada." They accordingly "proposed to the Imperial Ministers that the whole British Territory east of the Rocky Mountains and north of the American and Canadian lines should be made over to Canada, subject to such rights as the Hudson's Bay Company might be able to establish; and that the compensation to that Company (if any were found to be due) should be met by a loan guaranteed by Great Britain." To this the Imperial Government consented, glad to be free from the liability of incurring the expense incident to the erection of the region into a Crown Colony.[9] On the basis of the figures already dealt with by Brown in his report, the delegates considered that the value of the company's territorial rights, "in the estimation of the Company itself," would be easily arrived at.[10]

Now that the Governments had reached an agreement upon the method, which was that finally employed, for the extinction of the company's territorial claims, there was little further development that need be told in detail here. The delay in the consummation of federation meant delay also in dealing with this matter, as the Province of Canada, because of the "prospect of her speedy absorption in the proposed" union, hesitated to open the negotiations with the Hudson's Bay Company which the latter had expressed its willingness to conduct.[11] Meanwhile proposals were made by a group of Anglo-American capitalists to buy out the company's rights with a view to colonising the country. The Canadian Government protested against such a sale being thought of, arguing once more from the

danger of Americanisation of the territory and its consequent loss.[12]

The ten thousand inhabitants of the Red River Settlement were restless under the uncertainty as to their political fate. Petitions from groups of inhabitants who wished the territory to be annexed to the new federation, and from others who desired the establishment of a Crown Colony, reached the Governments of Canada and Great Britain.[13] Lieutenant-General Sir John Michel, in command of the forces in British North America and temporarily Administrator of the Government of Canada, in forwarding to the Colonial Secretary a petition for the establishment of a Crown Colony, accompanied it with a memorandum on the Red River Settlement in which, after discussing the state of the settlement and especially its position in relation to the United States and to Canada, he expressed the opinion "that until a safe communication for military purposes" was "completed between Canada and Fort Garry, either the Union of the Hudson's Bay territory to Canada, or the creation of a Crown colony at the Red River Settlement, would be a source of weakness and danger both to Canada and England."[14] But Michel looked at the problem with the biassed caution of the professional soldier. Such communications as he demanded, secure from military hazard, would require for the building precious time that could ill be lost if the territory was to be surely saved to become part of the new British Dominion. In the west as in the east political consolidation was to precede the forging of the railway link.

After federation was accomplished, negotiations were soon resumed. The British North America

Act provided that Rupert's Land and the North-West Territory might be admitted into the Union by Imperial Order in Council on address by the Canadian Parliament.[15] Accordingly, on 4th December of Confederation year, William McDougall, now Minister of Public Works, introduced a series of resolutions in the House of Commons[16] for an address to the Crown asking for the union of these territories to Canada. Holton offered an amendment to the effect that it was inexpedient to adopt an address until the extent of the company's claims should have been ascertained, but the amendment was defeated and an address adopted.[17] In July the British Parliament passed an Act to enable the Crown to accept a surrender of the lands and rights of the Hudson's Bay Company. Cartier and McDougall were then sent to London as the Dominion's representatives in the ensuing negotiations. The fall of the Disraeli Government somewhat delayed proceedings, but in April 1869 an agreement was reached whereby Rupert's Land was to be transferred to the Dominion of Canada. The company was to retain its posts and to receive also extensive land grants, and was to be at liberty to carry on trade without hindrance; Canada was to pay the company £300,000 and was also to buy at cost the materials on hand for the construction of the telegraph line.[18] The Canadian Parliament promptly accepted the terms agreed upon,[19] and proceeded to arrange for taking over the government. By an Imperial Order in Council of 24th June, 1870, Rupert's Land and the North-West Territory were formally made part of the Dominion of Canada, from and after 15th July of the same year.[20]

It is unnecessary in this connection to tell the

story of the insurrection which had to be faced before order was established at Red River, under authority of the Dominion Government, and the Province of Manitoba was formed.[21] It may be pointed out, however, that during this troubled period there was plenty of evidence to show that not without some foundation had men feared lest the territory might fall to the United States after the manner of Texas if not that of Oregon. Discontent at the new order was not wholly due to fear of the land surveyor and the road builder, nor to jealousies of Catholic and Protestant, French and British, which had their share in producing the trouble. Among the American settlers there was an open movement for annexation to the United States, a movement fostered partly by American Fenian influence and quite in accord with the well-known ambition of Minnesota's political leaders to add the British North-West to the territory of the United States.[22]

At Red River, on 3rd October, 1870, almost six weeks after the arrival of Wolseley's expeditionary force had upset the *de facto* Government of the insurrectionists, there was drawn up a memorial and petition to President Grant, purporting to be done by "the authority of the people." The memorialists complained that they had been "coerced into a confederation with Canada, under false representations, broken promises, and violated pledges." Left alone for a redress of their grievances to an appeal to the American Government, they asked the President to cause an investigation of their grievances and to demand full reparation. But their hopes went still further, and the petition concluded: "Impelled by a universal desire to be permitted peacefully to enjoy a Government of our own choosing, or to change our allegi-

ance for political and commercial reasons to some other Government of our choice, and being thoroughly satisfied that neither peace nor prosperity can exist in our country, under a Government which has by its bad faith, forfeited all claim upon the confidence of our people, and has instituted a war of extermination against us; and considering further the vast extent of barren and impassable territory, that separate us from the Dominion of Canada, we again earnestly appeal to your Excellency for the foregoing reasons, and many others which might be urged, to intercede in our behalf, and to take all such steps as your Excellency may deem appropriate and proper, to enable us to enjoy the blessings of life, liberty, property and the pursuit of happiness, under a Government of our own choice, or in union with a people, with whom we may think that we can enjoy these blessings." [11] It goes without saying that no action was taken in the matter by the American Government.

On the Pacific Coast development had been rapid during the years when federation was taking shape in the east. In 1865 resolutions were carried in the Vancouver Legislature for reunion with British Columbia.[24] In the following year the union was accomplished by Act of Parliament [25] and proclaimed on 17th November. In the newly united Colony of British Columbia there was at once a movement among its ten thousand white inhabitants for entrance into the federation that was being planned in the older Provinces.

Governor Seymour and his official circle were by no means enthusiastic for a step which would mean the introduction of responsible government and the end of their own peculiarly privileged and important

position. But popular pressure and the influence of the elected minority of the Legislative Council (there was as yet no Assembly) were sufficient to cause tentative overtures concerning admission of the Province at the inception of the Dominion. But opponents of union had their way at this time without effort on their part, since the Secretary for the Colonies took the ground that "consideration of that question must at all events await the time when the intervening territory now under the control of the Hudson's Bay Company" should "have been incorporated with the Confederation." [26] Those of the Council who disliked federation took advantage of this reply and refused to adopt resolutions introduced by Amor de Cosmos and intended to define terms of union and pray for admission.[27] In writing the Colonial Secretary of this action Seymour seized the opportunity to magnify the difficulties of union under existing circumstances, and went so far as to declare that its advantages were remote.[28]

In behalf of federation, nevertheless, strong influences were hard at work. A Confederation League, comprising, to begin with, one hundred of the leading men of the Colony, was formed at Victoria, 21st May, 1868. It organised a number of open meetings which developed into popular demonstrations in favour of union and hostile to the governing clique. The last and most important of these was held at Yale, 14th September, and is famous as the Yale Convention. It unanimously adopted resolutions prepared by a committee under de Cosmos' leadership, condemning the Government as a despotism in that it did "not exist by the free and just consent of the governed," declaring that the remedy lay in securing responsible government in the Province and entrance into the

Canadian Dominion, and presenting terms upon which a union would be possible.[29]

Seymour consented to send the resolutions of the Yale Convention to the Colonial Secretary, but in doing so he discredited their importance as much as possible. And on 17th February, 1869, the Legislative Council passed a resolution urging the British Government "not to take any decisive steps towards the present consummation of such union." [30]

Seymour died 10th June of the same year. His successor was Anthony Musgrave, who as Governor of Newfoundland had been working hard though unsuccessfully to secure that Colony's acceptance of federation. His instructions as to his attitude in his new post were clear. Now that agreement had been reached concerning the fate of the land lying between Ontario and British Columbia, and the prevailing public opinion in the coast Province seemed to be favourable to union, the Colonial Secretary had, he wrote, "no hesitation in stating" such to be "also the opinion of Her Majesty's Government." Musgrave was told to make his instructions public, and to do what he could "properly and constitutionally . . . for promoting the favourable consideration of the question." [31]

On the new Governor's initiative the Legislative Council took the matter up soon after it met. In debates extending from the 9th to the 25th March, the Council discussed the problem and adopted terms of union to be proposed to the Canadian Government. On 6th April it appropriated the sum of from $2,500 to $3,000 to pay expenses of a delegation to Ottawa.[32] On 10th May three delegates, Trutch, Helmcken, and Carrall, left Victoria, and going by way of San Francisco reached their destina-

tion on 4th June. In a few weeks negotiations with the Canadian Ministry culminated successfully, and on 7th July the special correspondent sent to Ottawa to report for Amor de Cosmos' *British Colonist*, of Victoria, telegraphed that terms had been agreed upon.[33] Trutch proceeded to England, where an Imperial Act was passed giving British Columbia a new Legislative Council more than half elective. That body met in January 1871, and unanimously adopted an address to the Crown asking admittance to the Dominion under the terms agreed upon at Ottawa.[34] In March the Canadian Parliament took up the matter, and after several days' debate carried the resolutions to admit the western Province.[35] The terms of union were embodied in an Imperial Order in Council on 16th May,[33] and on 20th July British Columbia became a Province of the Dominion, gaining at the same time an elective Assembly and full responsible government, which had been provided for by the outgoing Legislative Council.

Among the terms under which the union was consummated the most important, both for British Columbia and for the future of the Dominion, was that by which Canada undertook to secure the construction of a transcontinental railway within ten years. Throughout the whole agitation in the coast Colony, in fact, the need of securing regular and direct communications eastward entered largely into discussion, and their establishment was considered an essential feature of any arrangement for union. This is explained when one realises that as yet ordinary travel as well as postal and telegraphic communication with the eastern Provinces were all through the United States.[37] The Colonial Secretary appreciated the importance of this problem as a

factor in the federation question in British Columbia when he wrote, in his instructions on the matter to Governor Musgrave: "Her Majesty's Government are aware that the distance between Ottawa and Victoria presents a real difficulty in the way of immediate union. But that very difficulty will not be without its advantage if it renders easy communication indispensable, and forces onwards the operations which are to complete it." [33]

In early discussion as to what should be asked for as a condition of union, a wagon road was most talked about. Then came the idea of securing such a road as a preliminary to a railway. On Canada's request the preliminary project was abandoned as an unnecessary expense in view of the plan to build a railway promptly. The ten-year limit was placed upon the construction of the railway to satisfy British Columbia's desire for some definite safeguard of her interest as a condition of entering the Dominion. But J. W. Trutch, banqueted in Ottawa on 10th April, 1871, after characterising the limitation in this manner, went on to say that the clause was not a "cast-iron contract" and that his Province would be reasonable and expect only what proved practicable.[34] As events turned out, British Columbia's patience was sorely tried, but only for a few years. In 1885 Donald Smith drove the final spike of the Canadian Pacific at Craigellachie, and the dream of a railway from sea to sea on British soil was realised. The dream had been a contributing cause to the establishment of a continent-wide Dominion; the realisation of the dream was a necessary corollary to that establishment and a condition of its permanence.

Edward Watkin voiced one regret. "The old

Grand Trunk proprietors," he wrote not long afterwards, "feel that their early pioneer services to Canada, and their heavy sacrifices, have rather been ignored in competition, than recognised, by the Canadian Pacific not being an extension of the Grand Trunk system." Had he remained president of the Grand Trunk he would have laboured hard to bring about such a consummation and thereby, he thought, "have economized capital and hastened the completion of the great Inter-oceanic work." But he held that the houses of Baring and Glyn, Canada's London agents, who were "responsible for launching the Grand Trunk and for its many issues of capital to British shareholders," had undoubtedly aided the rivalry complained of by finding capital for competitive extensions of the Canadian Pacific system "which could never have been finished but for this British money, so raised." If blame were deserved, therefore, it was nearer home than in Canada.[40]

It is doubtless true that many provincial politicians were "either indifferent or hostile to the acquisition of the North-West."[41] According to John Hamilton Gray, "not the boldest of the delegates [at the Quebec Conference] dared to suppose it would be accomplished while his years still left him the energy of action."[42] Sir Richard Cartwright told the Canadian Club of Ottawa in 1906: "For all practical purposes at that time there was no Northwest, as far as we were concerned . . . no hope of acquiring a Northwest as far as we knew. There may have been one or two men, who . . . thought that at some distant day we might get possession of that country and make something of it, but, as a matter of fact, Confederation was brought about

without any thought of or reference to the acquisition of that great territory. It was a perfectly unknown quantity."[43] Has not too much weight often been given to statements like these? It may be admitted that the rapidity of developments, after Confederation was accomplished, surprised even the ardent advocates of the acquisition of western British America and of building a Pacific railway. From the foregoing account, however, it should be evident that in 1864, and even before that critical year, there were a few far-seeing ones who recognised in the North-West a practical problem of immediate concern, with fundamental bearing upon the political future of the whole of British North America. It is not surprising that the number of such men was small in view of the fact that, to quote Sir Richard, "so far as Confederation was the work of anybody it was pretty nearly absolutely the work of a few leaders."[44]

The problem of the North-West had in fact made greatly desirable the establishment of a common Government in the settled Provinces which should be strong enough to attack it with reasonable probability of success. The Dominion's speedy acquisition of the region as a great national public domain not only provided thus a solution for this problem, but was an event of tremendous advantage to the young federation. The shouldering of the great responsibility for opening up and developing so vast a region as a common task was inevitably a spur to the growth of a real national consciousness, and later the exploitation and building up of the prairies furnished a basis for patriotic pride common to all the older communities in the Dominion. Diverse and jealous sections, once well set to such a common

task, could hardly think of their federation as short of permanent or as less than national.

British Columbia's entrance beneficently hastened the opening of the wide lands intervening, by necessitating, as it did, the early building of the Canadian Pacific Railway. And in assuring for the Dominion an ample open frontage on the Pacific, it guaranteed that Canada should rank through the long future as a power bordering the greatest ocean.

NOTES TO CHAPTER XXI

P. 283, *n.* 1. For the report and evidence, including communications showing that Chicago business men strongly favoured the project, see Canada, *Report of Select Committee on Georgian Bay and Lake Ontario Ship Canal*, 1864. See also Toronto *Globe*, 6th June, 1864.

P. 283, *n.* 2. Canada, *Confed. Debates*, p. 103.

P. 283, *n.* 3. At the banquet to the Quebec Conference delegates at Toronto in November, James Ross of Red River was one of the speakers and presented the claims of the North-West to inclusion in the federation scheme. His speech is reported in Whelan, *Union of the British Provinces*, pp. 183*ff.*

P. 283, *n.* 4. Cardwell to Monck, 1st July, 1864, Gt. Brit., *Parl. Papers*, 1864, No. 550, pp. 1*f.*

P. 284, *n.* 5. Minute of Council, 11th November, 1864, Canadian Archives, *State Book AA*, pp. 403*ff.*, summarised in Brown's "Report," *loc. cit.* (see *supra*, chap. xx., note 34). *Cf.* Monck to Cardwell, No. 171, 12th November, 1864, Canadian Archives, *G* 465.

P. 285, *n.* 6. Brown's "Report," *loc. cit.* He gives a detailed account of the negotiations of 1863–4.

P. 286, *n.* 7. Canada, *Confed. Debates*, p. 263.

P. 286, *n.* 8. Minute of Council, 24th March, 1865, Gt. Brit., *Parl. Papers*, 1865 [3535], p. 1. They were to take the matter up where Brown left it and carry it if possible to a successful conclusion. A special minute of Council on the subject was adopted, 27th March, 1865, Canadian Archives, *State Book AB*, p. 209.

P. 287, *n.* 9. *Cf.* Watkin to John A. Macdonald, 18th February, 1865, Pope, *Correspondence of Sir John Macdonald*, p. 22. Watkin expresses the belief that a Crown Colony could more easily cope with the problem of defence against the Indians and against the "Yankees," though as one of those "who simply want to see the country settled," he "could make no objection" to Canada's taking the responsibility of governing the North-West.

P. 287, *n.* 10. Report of the delegates, dated Quebec, 12th July, 1865. In Canada, Parliament, *Papers Relating to the Conferences which have taken place between Her Majesty's Government and a Deputation*

from the Executive Council of Canada, etc., 1865, pp. 3*ff.* Also quoted in *Documents Relating to the Opening up of the North-West Territories to Settlement and Cultivation*, 1865, pp. 15*ff.* For Cardwell's despatch to Monck, No. 95, 17th June, 1865, see either of these papers. It is also in Gt. Brit., *Parl. Papers*, 1865 [3535], pp. 1*ff.*

P. 287, *n.* 11. Minute of Council, 22nd June, 1866, Canadian Archives, *State Book AC*, pp. 560*ff.*; Head to Elliot, 29th June, 1865, enclosed in Cardwell to Monck, No. 111, 1st July, 1865, Canadian Archives, *G* 174.

P. 288, *n.* 12. The correspondence between the company, the would-be purchasers, and the Colonial Office is enclosed in Godley to President of Executive Council, 14th March, 1866, Canadian Archives, *G* 175. For the stand taken by the Canadian Government see minute of Council, 22nd June, 1866, *loc. cit.* Carnarvon to Monck, No. 48, 8th September, 1866, Canadian Archives, *G* 177, contains enclosure from Head suggesting whether some steps ought not to be taken for asserting the British character of the territory north of forty-nine degrees and maintaining law and order there. The Indians from south of the border were becoming troublesome because of the rapid advance of American settlement among them.

P. 288, *n.* 13. A number of petitions are given in Gt. Brit., *Parl. Papers*, 1870, No. 443.

P. 288, *n.* 14. Memorandum enclosed in Michel to Carnarvon, No. 30, 22nd February, 1867, Canadian Archives, *G* 466. Printed in Gt. Brit., *Parl. Papers*, 1870, No. 443, pp. 6*ff.*

P. 289, *n.* 15. Article 146.

P. 289, *n.* 16. Canada, *Journals of House of Commons*, vol. i. pp. 50*ff.*

P. 289, *n.* 17. The address is in *ibid.*, pp. 67*f.* Willson, *The Great Company*, pp. 488*f.*, gives the resolutions as they were introduced, not as finally passed. For Alexander Morris's speech on the resolutions see his *Nova Britannia*, pp. 134*ff.*

P. 289, *n.* 18. For the full terms and other documents in the case see Gt. Brit., *Parl. Papers*, 1868–9, No. 440; also Canada, Parliament, *Report of Delegates Appointed to Negotiate for the Acquisition of Rupert's Land and the North-West Territory*, 1869. The terms are also given in full in Canada, *Journals of House of Commons*, vol. ii. pp. 146*ff.* Cartier's letters to Macdonald from London throw interesting lights on the negotiations.—Pope, *Correspondence of Sir John Macdonald*, pp. 90*ff.*

P. 289, *n.* 19. *Journals of House of Commons*, vol. ii. p. 152.

P. 289, *n.* 20. For the Order in Council see Munro, *Constitution of Canada*, pp. 322*ff.* Probably the best description of the North-West published at this time was A. J. Russell's *The Red River Country, Hudson's Bay and North-West Territories Considered in Relation to Canada.*

P. 290, *n.* 21. The official *Correspondence and Papers* were presented to the Canadian Parliament in 1870; a Select Committee of the Senate reported on the occurrences in 1870; a Select Committee of the House of Commons in 1874. In 1875 the Governor-General transmitted to Parliament *Despatches Regarding Commutation of Lepine's Sentence and North-West Amnesty.* See also Canadian *Parliamentary Debates*, beginning with the first volume, 1870.

P. 290, *n.* 22. W. F. Butler was sent on a special mission of investigation, *via* St. Paul, to learn what was doing on the Red River and what were the chances of American Fenian aid to the insurgents. He was to join Wolseley's party, if possible, before it reached the settlement. He found much expression of sympathy with the insurgents and evidence of Fenian assistance.—Butler, *The Great Lone Land*, 10th edition, pp. 37, 78. Willson, *Life of Strathcona*, pp. 287*ff.*, quotes a number of American newspapers concerning annexation, and Fenians at Red River. Paul Fountain, *The Great North-West and the Great Lake Region of North America*, p. 77, reminisces thus: "At the time of my visit [1866] . . . The foreign, and especially the half-breed, element, fomented by certain Yankee agitators, were particularly inveterate against 'English rule' as they termed it. This expression was, I think, put in their mouths by Irish Fenians, who came here from the States for the express purpose of having 'a slap at the d——d Saxon,' as I heard one of them phrase it."

As early as 6th March, 1868, the Legislature of Minnesota had adopted a resolution of protest against the proposed transfer of the North-West to the Dominion by an Order in Council at London without a vote of the settlers, and another to the effect that it "would rejoice to be assured that the cession of Northwest British America to the United States, accompanied by the construction of a Northern Pacific railroad, are regarded by Great Britain and Canada as satisfactory provisions of a treaty, which shall remove all grounds of controversy between the respective countries."—U.S., *Senate Documents*, 2nd Sess., 41st Cong., Ex. Doc. No. 33, p. 24. During the winter of 1869–70 resolutions were introduced in the U.S. Senate by Senator Ramsey, formerly governor of Minnesota, and Senator Chandler of Michigan, looking to American negotiations with a view to the annexation of the North-West. They were referred to the Committee on Foreign Relations but were never reported out.—U.S., *Congressional Globe*, 2nd Sess., 41st Cong., pp. 3, 30, 932, 2808, 2887.

P. 291, *n.* 23. *Memorial and Petition of the People of Rupert's Land, and North-West Territory, British America, to His Excellency, U. S. Grant, President of the United States*, p. 11.

P. 291, *n.* 24. Gt. Brit., *Parl. Papers*, 1866 [3667], pp. 6*f.* Petitions for and against union and other relevant matters are in this paper and the following: 1866 [3694] and 1867 [3852].

P. 291, *n.* 25. 29 and 30 Vict., C. 67.

P. 292, *n.* 26. Buckingham to Seymour, No. 87, 19th November, 1867, Gt. Brit., *Parl. Papers*, 1868–9, No. 390, p. 28. On the official controversy in British Columbia see also other despatches and enclosures in *ibid.*; also Howay, "Attitude of Governor Seymour toward Confederation," *Trans. Roy. Soc. Can.*, 3rd Ser., vol. xiv. sect. 2, pp. 34*ff.*; British Columbia, *Confed. Debates*, pp. 5*f.*

P. 292, *n.* 27. 24th April, 1868. Howay, *op. cit.*, pp. 39*f.*

P. 292, *n.* 28. 14th May, 1868.—Gt. Brit., *Parl. Papers*, 1868–9, No. 390, p. 14.

P. 293, *n.* 29. Begg, *History of British Columbia*, pp. 376*ff.*; Gosnell, *Story of Confederation*, pp. 90*ff.*

P. 293, *n.* 30. Howay, *op. cit.*, pp. 45*ff.*

P. 293, *n.* 31. Granville to Musgrave, No. 84, 14th August, 1869, Gt. Brit., *Parl. Papers*, 1868–9, No. 390, pp. 30*f.* On Musgrave's relation to federation see Howay, "Governor Musgrave and Confederation," *Trans. Roy. Soc. Can.*, 3rd Ser., vol. xv. sect. 2, pp. 15*ff.*

P. 293, *n.* 32. British Columbia, *Confed. Debates*; Gosnell, *op. cit.*, pp. 97*ff.*, and Begg, *op. cit.*, pp. 388*ff.*, summarise this debate in the Legislative Council of the Province.

P. 294, *n.* 33. Howay, *loc. cit.*; Gosnell, *op. cit.*, pp. 102*f.* The minute of Council of 1st July, embodying the terms, is in Canada, *Sessional Papers*, 1871, vol. iv. No. 18.

P. 294, *n.* 34. Begg, *op. cit.*, pp. 397, 399.

P. 294, *n.* 35. Canada, *Parl. Debates*, pp. 660*ff.*

P. 294, *n.* 36. For the terms see Munro, *Constitution of Canada*, pp. 313*ff.*

P. 294, *n.* 37. For a sketch of the development of British Columbia's postal and telegraphic connections see Smith, *History of the Post Office in B.N.A.*, pp. 322*ff.*

P. 295, *n.* 38. *Supra*, note 31.

P. 295, *n.* 39. On this occasion Trutch, who later became the first governor of British Columbia as a Province of the Dominion, traced the history of the federation movement there and explained the principal terms of union.—*British Columbia and the Canadian Pacific Railway.*

P. 296, *n.* 40. Watkin, *op. cit.*, pp. 52*f.*

P. 296, *n.* 41. McDougall to Howe, September 1868, quoted in Hammond, *Confederation and Its Leaders*, p. 89.

P. 296, *n.* 42. Gray, *Confederation*, p. 374.

P. 297, *n.* 43. "Memories of Confederation," in *Addresses Delivered before the Canadian Club of Ottawa*, 1903–1909, pp. 87, 92.

P. 297, *n.* 44. *Ibid.* Richard Cartwright entered the Legislature in 1863. His own slight interest in the question at the time is illustrated by his attitude towards the admission of British Columbia. Though professing support for the union idea in general, he doubted the wisdom of the terms and voted against the resolutions. See his speech in *Parliamentary Debates*, vol. ii. p. 680. Regarding recognition of the importance of the North-West *cf.* Pope, *Memoirs of Sir John Macdonald*, vol. ii. pp. 42*f.*

CHAPTER XXII

ROUNDING OUT THE BOUNDARIES

In 1871 the new Dominion stretched from the Gulf of St. Lawrence to the Pacific, but it did not yet include quite all of British North America. Later progress towards that goal may be chronicled briefly.

In Prince Edward Island the forces of separatism had proved stronger than in Nova Scotia and New Brunswick. The Island Legislature rejected the Quebec Resolutions in 1865, and in the following year it was resolved that even were a federation formed it could not be done on terms that would prove advantageous to the people of the Island, separated as it was, "and must ever remain, from the neighboring provinces, by an immovable barrier of ice, for many months in the year." [1] Negotiations, nevertheless, continued intermittently until 1873, in which year, on Dominion Day, the island formally entered the Union. Means of communication were an important element in the terms of union, as in the case of the other Provinces. The Federal Government undertook the obligation of maintaining telegraphic communication between the island and the mainland, also the establishment and maintenance of "Efficient Steam Service for the conveyance of Mails and Passengers . . . between the Island and the mainland of the Dominion, Winter and Summer, thus placing the Island in continuous communication with the Intercolonial Railway and the Railway System of the Dominion." [2] According to Duncan

Campbell's contemporary explanation of the reversal of sentiment in regard to federation, the main factor was the Dominion's assumption of the railway then under contract. The Colony's heavy liabilities connected with this line filled the business community with fear of a financial crisis. "The only satisfactory way of getting out of the difficulty appeared to be the union of the island, on liberal terms, with the Dominion of Canada."[3] One feature of the terms of union that was peculiar to this Province had to do with the land situation. The Island was saddled with a system of large absentee proprietors of which it wished to get rid.[4] The Dominion furnished the means by agreeing to advance money up to $800,000 for purchasing the lands of these proprietors.

The transfer of the North-West to Canada in 1870 had left undefined the northern limits of the Dominion's jurisdiction. That any uncertainty on that point might be set at rest, an Imperial Order in Council of 31st July, 1880, handed over to Canada from 1st September of that year the whole northern archipelago.[5]

Newfoundland, with its Labrador appendage, remains a separate Colony. In 1866 the Legislature postponed discussion of the Quebec scheme in view of the uncertainty as to the action that the other Provinces would take.[6] Three years later, Shea and Carter were sent to Ottawa and a tentative agreement was reached.[7] In the Provincial election of that fall, however, the Government was overwhelmingly defeated and federation repudiated. The financial terms were unsatisfactory, the provision for mail steamship service by the Dominion Government was too vague to win much support for union, and the enmity of the ignorant "out-harbour people"

towards Canada, born of old-time French and Indian raids, strengthened the opposition.[8] Moreover, the Colony feared that its interests as a fish-producer might be neglected by the Dominion, particularly in reciprocity dealings with the United States. Restored prosperity after a period of hard times also had something to do with the rejection of a policy which had seemed to many not long before to offer the island a way of escape from serious difficulties.

In the 'nineties hard times came again to the "Ancient Colony." In 1895 the question of union with Canada was broached and once more delegates were sent to Ottawa. The Canadian Government, believing that the island was in such financial straits that it must come in on any terms, refused to take over the whole debt of the Colony, and again the negotiations were fruitless. At this time Canada offered to give some aid in building the railway across the island, but the undertaking was dealt with as one primarily of local interest. It has been argued by friends of union in the Colony, however, that this railway should be considered part of a transcontinental route, thus giving Canadian railways an Atlantic terminus considerably to the east of any they now use.[9]

In 1917 it was rumoured that there had been negotiations between the Prime Ministers of Newfoundland and Canada on the subject of union. In the Canadian House of Commons the Hon. Rodolphe Lemieux asked what truth there was in the report and whether any action was contemplated by the Government. Sir George Foster, leading the House in the Premier's absence, refused to discuss the point. "However, I will remark this," he said,

"that so far as Canada is concerned, with reference to Newfoundland, the latch string is always on the outside and the light is always burning." [10]

But at present the island is not minded to raise the latch. Her position was recently summed up as follows by one of her leaders: "Nobody in Newfoundland to-day would seriously consider confederation. We believe we can do better alone. Farming is the basic industry in all the Canadian provinces. Ours is fishing. We think that Ottawa would not be able to appreciate our viewpoint." [11]

There has occasionally been talk of bringing Bermuda and the British West Indies into the Dominion.[12] Continental British North America has long had close mercantile relations with those islands, encouraged from the days of the American Revolution, given an impetus in the 'sixties by the American abrogation of reciprocity, and by the trade mission of 1865 from the Provinces, and recently facilitated by the augmented service of the Department of Trade and Commerce and by the extension there of Canadian banking activities. Trade has followed the British flag thither; whether the flag of the Dominion of Canada will follow the trade is another question.

NOTES TO CHAPTER XXII

P. 302, *n.* 1. Campbell, *History of Prince Edward Island*, p. 179. See also W. H. Pope, *The Confederation Question Considered from a Prince Edward Island Point of View*, Charlottetown, 1866.

P. 302, *n.* 2. Canada, *Journals of House of Commons*, vol. vi. p. 404. The terms are also in the Imperial Order in Council of 26th June, 1873, in Munro, *Constitution of Canada*, pp. 318*ff.*

P. 303, *n.* 3. Campbell, *op. cit.*, pp. 186*f.* The writer is informed by Professor D. C. Harvey of the University of Manitoba, a close student of Prince Edward Island history, that the eagerness displayed by

the Dominion Government to induce the Island to enter federation is principally accounted for by a fear lest it become a centre of smuggling for the Maritime Provinces and thus seriously curtail the customs revenue of the Dominion as well as complicate control of the Gulf fisheries.

P. 303, *n.* 4. In 1860–1 the land question was investigated by a Commission composed of John Hamilton Gray (of New Brunswick), Joseph Howe, and J. W. Ritchie. The correspondence regarding their appointment, their work, and the negotiations following their report, is in Gt. Brit., *Parl. Papers*, 1864, No. 528.

P. 303, *n.* 5. The validity of this Order in Council was insured in 1895 by the passage of the Colonial Boundaries Act, 58 and 59 Vict., C. 34.

P. 303, *n.* 6. The resolutions of that year are given in *Year-Book and Almanac of British North America for* 1868, p. 17.

P. 303, *n.* 7. Gt. Brit., *Parl. Papers*, 1868–9, No. 390. Regarding negotiations of 1867 see John A. Macdonald to Lieutenant-Governor Musgrave, 27th December, 1867, Pope, *Correspondence of Sir John Macdonald*, pp. 61*ff.*

P. 304, *n.* 8. Prowse, *History of Newfoundland*, 2nd edition, pp. 494*ff.*

P. 304, *n.* 9. *Ibid.*, pp. 541*ff.* An Appendix, pp. 552*ff.*, gives an abstract of the terms of union proposed at this time on both sides. Prowse assumed, writing in 1896, that the Colony would soon be absorbed in the Dominion.

P. 305, *n.* 10. Ottawa *Citizen*, 14th June, 1917.

P. 305, *n.* 11. Sir Patrick McGrath, in an address to the Canadian Club of Ottawa on "Newfoundland of To-day," 5th November, 1921.—Ottawa *Citizen*, 7th November, 1921.

P. 305, *n.* 12. In fact Lemieux's question in 1917 regarding Newfoundland was raised in connection with mention of a proposal for the annexation of the West Indies.—Ottawa *Citizen*, 14th June, 1917.

PART THREE

IN CONCLUSION

"I see in the not remote distance one great nationality, bound, like the shield of Achilles, by the blue rim of Ocean."

THOMAS D'ARCY MCGEE, 1862.

"The question of 'Colonial Union' is one of such magnitude that it dwarfs every other question on this portion of the continent. . . . This question has now assumed a position that demands and commands the attention of all the Colonies of British America."

JOHN A. MACDONALD, Halifax, 12th September, 1864.

PART THREE

IN CONCLUSION

CHAPTER XXIII

THE GIST OF THE STORY

Thus was established a new nation, the first Dominion in the British Commonwealth. In the light of the detailed treatment of the movement's various phases in Parts One and Two the main features of the whole may now be reviewed as related elements of a single story.

The earliest proposals for British-American union had no chance of being soon realised. Even Durham, in 1838, had to abandon his idea for so far-reaching a political consolidation. For there was as yet no sufficient material basis. Sectionalised to a degree by geographical as well as racial factors, the isolated fragments had virtually no cohesion. Improved means of communication were needed, within as well as between the sections, to enable the people to rise from their economic and social provincialism. While the material and cultural bases for a wider political life were lacking, the political institutions themselves were marked by immaturity. Accordingly, even had there been the spur of a common danger, or the goal of a recognised common need, to incite the Provinces to union, the political situation within their several borders would have made union of all the Provinces a step of doubtful advantage.

The 'forties brought responsible government, a necessary preliminary to further evolution towards autonomous nationhood. The new British policy that set the Colonies upon their own feet politically was paralleled by a commercial policy that put an end to Imperial coddling of colonial trade. In Canada the effects of the two were associated. Disgruntlement at Elgin's honest playing of the rôle of a responsible governor, and bitterness at the economic depression attendant upon the new commercial policy, produced the "Annexation Manifesto" at Montreal in 1849. Here was a temporary incentive to action on the part of those who sought some other fate for their country than absorption by the United States, and the result was the British American League with its proposals for a federation of the Provinces and its negotiations and propaganda to that end. But the annexation movement was short-lived, and so, too, was its antidote.

The years just after the middle of the century saw numerous developments that brought federation nearer. The 'fifties were a prosperous time: trade flourished under the Reciprocity Treaty of 1854, and the decade saw a boom, too, in railway building. Much capital flowed in, and Canada dreamt that by rail, if not by canal, she would become the channel for the trade of the booming "Old North-West" of the United States. The Maritime Provinces saw visions of the traffic of North America flowing towards them from Portland and from Quebec, and passing Europewards from their harbours. By the end of the decade railway building had reached the stage where the next step needed was the construction of the links that would make a united system stretching from Upper Canada to Halifax. The people

had been educated to the advantages of better communications; they strongly desired them; but how were they to obtain them, especially the Intercolonial railway, the link that seemed most important from a military point of view and in the eyes of Maritime Province people, without political backing of a large sort? The finances of the Grand Trunk were in no condition to encourage hopes that the undertaking would be put through by private capital without public aid. Negotiations with the British Government for an Imperial guarantee proved disappointing again and again. Men still agreed that better communications must precede union, but discussion of the common problem was at any rate bringing them closer together in mutual understanding and in consciousness of their growing community of interests.

In this decade the North-western factor also became prominent. The British enquiry into the affairs of the Hudson's Bay Company in 1857 enlisted the active interest of the Canadian Government in the problem. The termination in 1859 of the company's licence to the exclusive trade of the North-West Territory (as distinct from Rupert's Land), and the conflicting claims of Canada and the company as to the extent of the latter's original charter rights, served to keep the question before the attention of the Provincial Government. The rapid growth of the recent settlements on the Pacific coast, and the restiveness of the old colony at Red River, made some decision in the near future regarding the fate of the North-West seem increasingly desirable, the more so because until the political problem was solved it would be difficult to extend the means of communication and transportation to Red River and across

the continent, and to open up the country to settlement and trade.

During the 'fifties, too, the internal politics of Canada moved steadily towards an *impasse*. In the preceding decade Upper Canada had been content with the terms of its union with Lower. Now, however, with the population and revenue of the former rapidly increasing relative to conditions east of the Ottawa, a growing party in the western half of the United Province was demanding a proportional voice in political affairs. But its demand met stubborn resistance. The union had failed to obliterate the racial identity of French Canada. Indeed, the latter was more insistent than ever that no scheme of government would be acceptable which did not guarantee what it considered its inalienable rights. To those rights, "Representation by Population" seemed a direct threat. As a remedy for the increasingly unsatisfactory situation, the idea of a federation of the two Canadas was advanced on several occasions by the Reform party. In 1858 Galt made a proposal for federation of all the Provinces part of the Conservative Government's programme, and laid his scheme before the Colonial Secretary. But the other Provinces failed to show active interest in the idea.

At the turn of the decade events began to move with some rapidity. The visit of the Prince of Wales in 1860 brought to the surface a good deal of enthusiasm for the British connection, while at the same time the occasion it offered in Upper Canada for a display of anti-Catholic animus by the Orange order was a symptom of the critical state of Canadian politics. The Duke of Newcastle, accompanying the prince as Colonial Secretary, went home impressed by the possibilities for the future development of

British America. An enthusiast on the Colonies, of a sort not common in the England of that day, when most men either scorned colonies or considered them as embryo foreign states, he found another enthusiast in Edward Watkin, about to go to Canada to try to restore the fallen fortunes of the Grand Trunk Railway, on behalf of the Barings and their associates. Watkin's schemes for doing so by means of the project, Imperial in scope, of a railway from sea to sea that would furnish a quick "north-west passage" to the Orient as well as draw to the Grand Trunk system the trade of the Great Lakes country and open up the North-West, met with the duke's hopeful approbation.

Watkin went to Canada, failed to obtain from the Provincial Government further financial support for the Grand Trunk, but succeeded in reviving the interprovincial negotiations for Imperial backing for a railway connection between Canada and the Maritime Provinces. Delegates soon went to England under his ægis to confer with the British Government.

And now entered another factor—the American Civil War. The possibility that hostilities might ensue between the Northern States and Britain that would involve the British Colonies intensified a number of the influences which were working towards a union of the Provinces. The new danger lying in the comparative defencelessness of the country in its disunited condition brought home to the people the imperative need of better transportation facilities, and was made the text for advocacy of political union as the surest method of avoiding absorption by the new military power to the south. It stimulated, too, British desire for any political con-

solidation which would strengthen the Provinces for self-defence.

There seemed to be danger, moreover, that the American Government would abrogate the Reciprocity Treaty out of spite caused by the British and Canadian attitude towards the war. In such an eventuality might not the Provinces find a partial substitute for their American market in the development of trade among themselves? Under a political union, with internal free trade, such a development would be comparatively easy.

The war, moreover, increased the fear, which had already been developing, that with the rapid advance of American settlement in Minnesota there was real danger that Red River might be absorbed by the United States—and it was considered not impossible that Vancouver Island and British Columbia might meet with a similar fate—unless prompt steps were taken to ensure the maintenance of British ascendency in the North-West.

Meanwhile Watkin was promoting his schemes of empire. Though the negotiations for an Imperial guarantee for the Intercolonial fell through, other negotiations, conducted at the same time with the Hudson's Bay Company concerning the establishment of means of communication to the Pacific coast, resulted in 1863 in the company selling out to much the same financial group as that behind the Grand Trunk. While the new company's proposals for a transcontinental telegraph in co-operation with the Canadian Government failed to receive the latter's approval, as it held that a telegraph line without a passable route of travel, at least a wagon road, which immigrants might follow, would be useless, nevertheless the transfer of the company

was important. Here now was a group of influential Englishmen, interested in securing the rehabilitation of the British-American railway system by the building of the Intercolonial link with ice-free ports, and by the extension of communications westward, and interested also in obtaining a disposition of the North-West that would recoup them for their investment there and lead to the further economic development of that rich country.

In the following winter the sectional difficulties in the Province of Canada culminated in political deadlock, from which came the "Great Coalition," formed expressly to seek a way out of the situation into which the Province had floundered. Since Galt's proposal of 1858, the question of forming a federation of all the Provinces had been officially raised by Nova Scotia in 1861 and later discussed, under Newcastle's sanction, at a conference of delegates met to deal with various interprovincial matters in 1862. Early in 1864 the Maritime Provinces decided to study the possibilities of a union merely of themselves. The new Canadian Coalition Government succeeded in shifting the conference from Charlottetown to Quebec, and the subject to the larger one of a union of all British North America. At Quebec, in October, they presented their scheme to the full conference, with the result that the "Seventy-two Resolutions" were adopted as the basis of a federal union of the Provinces into which the rest of British America might later be received. Canada, for the sake of bringing in the Lower Provinces, consented that the General Government should shoulder responsibility for the construction of the Intercolonial; and, chiefly because of Upper Canadian insistence, the General Government was

also to undertake the extension of communications westward as soon as the state of public finances should permit.

The scheme won prompt acceptance in the Province of Canada, for to the Upper section it brought "Rep. by Pop." and to the Lower the best obtainable guarantee of French-Canadian interests. But in the Maritime Provinces the forces of separatism temporarily gained the day. Not until 1866, and then only after the British Government had exerted its influence and the convenient Fenian scare had been manipulated to help win a New Brunswick election, did the Legislatures of Nova Scotia and New Brunswick appoint delegates to go to England to negotiate a scheme of federation.

The bill drawn by the delegates at the Westminster Conference, founded very largely upon the Quebec Resolutions, was the basis of the British North America Act, introduced in the British Parliament with the earnest backing of a few Government and Opposition leaders and passed with but slight display of general interest in the following March, 1867. The Dominion became a reality 1st July of the same year.

Territorial expansion came quickly. In acquiring the North-West the new Dominion took over a task which not only gave her more than ample territory for the growth of a great nation, but shouldered her with a profitable burden so great as to call forth genuinely national energies and arouse a proud national consciousness. British Columbia's entrance gave the Dominion a Pacific frontage and hastened the development of the great North-West lying between the new Province and the settled east.

Federation was not adopted by the British American Provinces as the result of a great popular demand;

indeed in the Maritime Provinces the principal popular agitation was in protest. Federation was the work largely of a few men, inspired by wide political vision, actuated by economic interest, stimulated by dangers of foreign aggression. A few leaders there were in all the Provinces who for years had looked forward to the day of a united British America. And when the time came for the accomplishment of union, the task was conceived by these men in a spirit by no means essentially imitative. Not precedent but necessitous opportunity brought to birth the Canadian Dominion.

It is significant that in many instances the men who appreciated the necessity and seized the opportunity were not only vividly aware of the political scene, but were also actively interested in pushing the building of railways that would draw the country together in a physical sense. Howe (in spite of the fact that when the time came he refused to "play second fiddle" to Tupper), Tilley, and Galt are especially notable for this twofold interest. And Canada, with more railway mileage than any other Province, bred seemingly innumerable railway promoters and investors among her politicians.

Notable as a link between these business-men politicians of the Colonies and their counterparts in Britain, the capitalists who financed British-American railway building, was Edward Watkin. He, in fact, was the connecting point of a good many lines of influence. He, or the Grand Trunk (Brydges, the manager, was partly responsible), helped along the cause of interprovincial good-fellowship and understanding by the several semi-political excursions the story of which has been told above. They carried politicians free on the slightest excuse to show them

the public usefulness of railways. An enthusiast whose enthusiasm was contagious, Watkin undoubtedly exerted a strong influence on the men he met intimately, and they were numerous, in favour of large ideas of British-American economic and political development. And the wide circle of his acquaintances, with the ramifications of his business and political connections in England and the Provinces, enabled him to press the button more than once in interprovincial matters and in questions involving the destinies of all British North America.

Among the men whose activities were more strictly political several stand out prominently. Brown, as the protagonist of the agitation for "Rep. by Pop." which brought the deadlock in Canada, and as the man who then sacrificed most, with the possible exception of Cartier, in entering the Coalition Government to help solve the difficulty, must be given high place among the "Fathers of Confederation." He was, moreover, one of the first, as was McDougall, to recognise the importance to Canada of the North-West. Without Cartier, federation would have been impossible. He was reconciler of French Canada to the new scheme of things. John A. Macdonald filled a great place in the play as the master of men, the one who manipulated the puppets when it was necessary, and always with consummate skill. Tupper played the game stubbornly and successfully in Nova Scotia. Tilley was New Brunswick's most notable contribution to the list of the "Fathers." The movement had its lesser advocates, like Morris and Hamilton. D'Arcy McGee was its prophet and martyr.

Some who had little to do with politics filled important rôles. Sandford Fleming, as a railway

engineer, was associated with the Intercolonial from 1864. He, with McGee, was instrumental in arranging the excursion of that summer to the Maritime Provinces. Earlier he had borne a Red River petition to Quebec and to London. Among railway men he was the chief of the engineers, as Watkin was the greatest promoter, half business man and half politician, whose influence was important in bringing about federation. In pointing the way, no mean part was played by such unofficial statesmen as these, men of practical imagination whose vision was not limited by provincial boundaries.

But when it came to moulding the details of a scheme that should prove not only acceptable—and that was hard enough—but workable as well, it was the men experienced in the political life of the Provinces upon whom the task fell. And in bringing the project to a successful consummation, political craft and courage were at a premium. One may question, indeed, whether success could then have been achieved but for the help that came to the cause as a result of the condition of the country's external relations at that particular time. Yet in the long perspective it is apparent that numerous forces were operating to make some sort of political union of British North America the logical next step.

A logical step it seemed to contemporaries, at any rate, unless the Colonies were to be absorbed by the neighbouring republic, at least in part. Federation thrust that destiny into the limbo of things to be forgotten. Again, some men thought that the formation of the Dominion would mean a speedy severance of the British connection, but it has turned out otherwise. While demanding not only autonomy but also a status of equality with the Mother Country,

the larger Canada, with her own constitution based mainly upon British precedents, has chosen to seek, and has been able to find, within the Imperial Commonwealth her national liberty and equality. It is true that her present position among the nations appears strangely anomalous, impossible to classify, indeed, under the old categories. But in caring nothing for the categories of the political theorist if they lag behind living development, the Dominion is showing forth the vitality of her political life and institutions, proving herself a true heir, in the most fundamental sense, of British tradition.

FINIS

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